## Title

The UCLA Fowler Museum & Collaborative Repatriation: An Analysis of NAGPRA Compliance Working with California Indian Tribes



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# The UCLA Fowler Museum & Collaborative Repatriation: An Analysis of NAGPRA Compliance Working with California Indian Tribes

A thesis submitted in partial satisfaction of the requirements

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by

Sedna Villavicencio Padilla

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ABSTRACT OF THE THESIS

The UCLA Fowler Museum & Collaborative Repatriation: An Analysis of NAGPRA Compliance Working with California Indian Tribes

by

Sedna Padilla Villavicencio

Master of Arts in American Indian Studies
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Museums and archaeology are forever entrenched in the legacy of American colonialism. Early American anthropologists established their careers by studying American Indian songs, stories, kinship systems, food, material culture, languages, and bodies. Established in 1901, the University of California, Berkeley's anthropology department began funding archaeologists' excavations of California Indian graves against Native American requests. But the1960's saw an emergence of social justice activism including the Native American Repatriation Movement (NARM), demanding the return of all Native ancestors and cultural objects stored at museums nationwide. As a result of NARM and the work of Native American and Indigenous activists, lawyers, students and allies, the Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990. Working collaboratively with tribes for decades, the UCLA Fowler Museum is widely regarded as the premier example of a successful repatriation approach within the University of California (UC) system. To date, the Fowler has repatriated nearly all Native American human remains in its collection, and continues to work to bring the last ancestors to their communities. In this thesis I use archival research to explain the history of repatriation at the UC, California Indian resistance and how UCLA differs from other UC's in its repatriation approach. I examine two NAGPRA case studies at the Fowler Museum to explain how UCLA and the Fowler took a different approach to NAGPRA, bringing more ancestors home than any other UC.

The thesis of Sedna Villavicencio Padilla is approved.

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University of California, Los Angeles

2019

Dedication

For my mother, best friend and unconditional supporter, Estela.

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Acknowledgements

First, I would like to say thank you to my mom, dad, Andrea and Mikey. Thank you for your unconditional love and support. Without you none of my academic achievements would be possible. Next, I would like to thank my faculty advisors Mishuana Goeman, Greg Schachner and Angela Riley. I am truly blessed to have been able to attend UCLA and have you as my mentors and supporters. As a UCLA graduate student, I am fortunate to study at the UC with the best repatriation record. Along with repatriating thousands of ancestors, UCLA's NAGPRA committee is an excellent example of how to work collaboratively with Native communities. The UCLA Fowler Museum is where UCLA houses its human remains collection and where Dr. Wendy G. Teeter, Curator of Archaeology, works as UCLA's NAGPRA Coordinator. She collaborates locally and nationally with indigenous communities on issues of repatriation and cultural heritage protection. Thank you Mishuana and Wendy for supporting me in all my museum and NAGPRA pursuits (stemming back to undergrad). Lastly, I would like to say thank you to all the Native Bruins who made my time at UCLA the best it could be.

## Introduction: Anthropology, Museums, and the Native Body on Display

In 1901 the University of California (UC) anthropology department began systematically collecting California Indian material culture and human remains.[1] Along with beautiful Pomo baskets, manos and metates, skeletal remains of California Indians were stored at UC Berkeley's Hearst Museum.[2] Since its founding, the UC has collected and stored Native[3] human remains. Some are well known like the two 9,500-year-old Kumeyaay ancestors found in La Jolla, California. Or Ishi, the "Last Wild Indian" who was brought to San Francisco by UC Berkeley anthropologist, Alfred Kroeber in 1911.[4] After he died, and without his or his family's consent, the UC sent his brain to the Smithsonian to further eugenics research.[5] What is not widely known is the fight to have these ancestors repatriated, brought home to be reburied, and left in peace. In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) mandated that institutions which receive federal funding create inventories of their Native American human remains and actively reach out to tribal communities for consultation and future repatriation. Repatriation is not simply an ethical necessity for living in a progressive state, but also it mends relationships with tribes, initiates healing for tribal communities, creates relationships for future collaboration on museum exhibits and events, evokes social justice and human rights, and finally, acts as cultural and legal sovereignty. As a federally funded public institution, the UC system is responsible for creating inventories of NAGPRA eligible human remains and contacting tribes for repatriation. The UC comprises nine campuses: UC Berkeley,

[1] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 5-15.
[2] Ibid., 11
[3] Throughout this thesis I use the terms Native, Native American, American Indian and Indigenous interchangeably.
[4] Orin Starn, I*shi's Brain: In Search of America's Last "Wild Indian"* (New York: W.W Norton & Company, 2004) 154.
[5] Ibid.,156

UC Los Angeles, UC San Diego, UC Santa Barbara, UC Irvine, UC Riverside, UC Merced, UC Santa Cruz, and UC San Francisco. My thesis will explore the history of the UC repatriation of California Indian ancestors stemming back to 1906. Furthermore, I focus on the University of California, Los Angeles (UCLA), examining two case studies, and how it follows and implements NAGPRA legislation.

## Overview of Chapters

I start this thesis with an introduction explaining the colonial background of the discipline of anthropology. I describe how early scientists, like Samuel Morton, viewed Native bodies as specimens to be studied for eugenics research that reinforced theories of white supremacy. I examine Morton's views instead of other anthropologists like Alfred Kroeber and J.P Harrington because his dangerous theories of eugenics and white supremacy still have an impact today (i.e *The Bell Curve*).[6] I juxtapose this view with an indigenous perspective of the collecting of Native bodies, referring to Indigenous scholars Linda Tuhiwai Smith and Cutcha Risling Baldy. I end this section with my methods and theory and research questions guiding this thesis and literature review of influential books on the repatriation topic.

Chapter One, California Indian Resistance: The Yokayo Pomo and UC Berkeley, focuses on an aspect of the UC's history of Native American grave robbing: Native American resistance. I chose two powerful examples of how tribes, the Yokayo Pomo and Kumeyaay fought back when they discovered the UC had possession of their ancestors. Both cases are significant for unique reasons, the Yokayo case stems back to 1906 and it exemplifies Native resistance in the legal realm while displaying the vigor, heart and courage. Both communities exhibited self-

[6]In *The Bell Curve* (1994) by Richard J. Herrnstein and Charles Murray, they argue that human intelligence is influence by inherited and environmental factors. The authors also claim there are racial differences in intelligence.

determination before the self-determination era when fighting the UC institution for their relatives. These cases also prove the longevity of tribes requesting their ancestors' remains, which dismisses the colonial myth that repatriation is a new issue stemming back to 1990.

In Chapter Two, The Repatriation Battle at UCLA, I explore how UCLA students, staff and faculty responded to NAGPRA and the Native American Repatriation Movement in 1990. I look at how UCLA reacted differently than other campuses during this important moment in history. UCLA Chancellor's office appointed the Fowler Museum at UCLA (Fowler) and specifically the Curator of Archaeology to be responsible for compliance with NAGPRA. I explain how the Fowler Museum views its relationship with California Indian tribes and how it collaborates with tribes, federally recognized or not. Although NAGPRA is a significant law, it has flaws and, in this section, I illuminate how California Indians overcome these obstacles. I also explain how repatriation represents a segment of self-determination and sovereignty for Natives across the country.

Chapter Three, focuses on two Fowler Museum case studies. The first case study looks at the Fowler's first NAGPRA grant, where the Curator of Archaeology collaborated with Santa Ynez Band of Chumash Elders Council, a first for any museum in California. The second case study focuses on the Fowler Museum's decade long repatriation of a Wiyot woman's jawbone to her tribe. I end this thesis with a discussion of where UCLA stands today regarding repatriation and the recent 2019 revised UC Presidential Policy on Native American Cultural Affiliation and Repatriation.

The National NAGPRA Program has analyzed data on collections housed at universities across the United States and concluded that four institutions have the largest collections (more than 5,000 individual sets of human remains). The schools are: Indiana University (5,329

individuals), University of Tennessee (5,693 individuals), Harvard University (10,055 individuals), and the University of California (14, 626 individuals).[7] At UCLA, 95% of the collection has been culturally affiliated with American Indian tribes and 98% of the collection has been repatriated through NAGPRA (totaling 2,063 ancestors who have gone home).[8] On the other hand, UC Berkeley's North American human remains collection is "more than 80% culturally unidentifiable", meaning that researchers can study bones without asking tribes for permission.[9] UC Berkeley has the largest human remains collection of any NAGPRA eligible museum with more than 9,000 individuals. Fewer than 300 individuals have been returned home.[10]

Since the creation of American anthropology, U.S Medical Museums and scientists have looted and collected Native American human remains.[11] Research done on Native bones by pseudo-scientists of the early 19th century supported the early eugenics movement and white supremacy.[12] Like other groups around the world, most Native American tribes believe once their ancestors have been buried, they should be left undisturbed for the rest of eternity. Removing buried ancestors or sacred objects disrupts the world's balance creating "ancestral spirits that have been stirred".[13] Although museums are regarded as repositories of knowledge

[7] Wendy Teeter. Personal Communication (17 January 2019)
[8] Ibid.
[9] Felicia Mello, "Native American Tribes Clash with UC Over Bones of their Ancestors" (Cal Matters Higher Education, 10 July 2018)
[10] Ibid.
[11] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 3.
[12] Ibid., 3-6
[13] Chip Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's* Culture (Chicago: University of Chicago Press, 2017) 3.

that conserve priceless artifacts, their history is embedded in the settler colonial discipline of anthropology.[14]

Samuel Morton often considered the "father of American physical anthropology", is infamous for his pseudo-scientific experiments where he measured the skull capacity of different races. Morton concluded that the white skull was the largest and therefore the superior race.[15] For Morton to conduct his eugenics experiments, he needed not only European skulls but African and Native American skulls. Who would allow their ancestors' graves to be excavated for their body parts to be used in white supremacist research? The power dynamic of research is illustrated in Morton's research. Who was researched and who was objectified? These are often common questions when discussing Native American history. Museum professionals often believe they own material culture because they are protecting collections that belong to humanity. By collecting and preserving indigenous collections, museums maintain they are protecting human remains and artifacts while educating future generations about the past. Native material culture and human remains belong first and foremost to their respective tribes and descendants. The concept of a museum is not indigenous and at times conflicts with indigenous theory. In his essay "Of other spaces", French philosopher. Michel Foucault defines "heterotopias" as places that "all the other real sites that can be within the culture, are simultaneously represented, contested and inverted."[16] He argues, the museum is a "heterotopias of indefinitely accumulating time" and is specific to 19th century Western culture.[17]

[14] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous* Peoples (London: Zed Books, 2012). 20-37.
[15] David Hurst Thomas, *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity* (New York: Basic Books, 2000). 36-49.
[16] Michel Foucault and Jay Miskowiec, "Of Other Spaces". Diacritics, Vol.16, No.1. Spring 1986. 24.
[17] Tony Bennett. *The Birth of the Museum: History, Theory, Politics* (Abingdon: Routledge Press, 1995) 1.

Often, it appears like museums are concerned more about indigenous material culture than living, evolving communities. In addition, some indigenous communities believe in the inevitable destruction of material culture. These communities maintain that not all things should be preserved. For example, the Zuni believe their war gods (carved from wood) need to be "ritually disposed of" once they have completed their use on earth.[18] The Zuni believe the war gods need to disintegrate back into earth as gifts to the spirits. This is the natural course in life and humans should not interfere in this process. Even a museums effort to persevere the war gods "forever" would not be successful.[19] Some objects and artifacts are meant to disintegrate back into Mother Earth and as the Zuni say, "everything perishes, all things will eat themselves up".[20] This concept may be frightening to those in museum conservation, where professionals focus on preservation practices using different conservation techniques.[21]

Viewed as "the other," indigenous peoples have been studied, picked, and prodded by researchers who seek to learn about the peopling of the Americas or human origins. To validate the subjection and dehumanization of indigenous peoples in European and American colonies, early anthropology was utilized to promote European colonial notions of white supremacy that were masked as science.[22] Since the U.S nation state believes it owns the land within its annexed borders, it is no surprise that U.S researchers have claimed Native American bodies as well. This is epitomized by museums collecting Native human remains and refusing to return Native ancestors to their descendants. Disguised as research for the "greater good," throughout the

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[18] Chip Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's* Culture (Chicago: University of Chicago Press, 2017). 52.
[19] Ibid.,52-53.
[20] Ibid.,52.
[21] UCLA Social Sciences, Conservation of Archaeological and Ethnographic Materials, https://conservation.ucla.edu/
[22] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 13.

eighteenth-century American scientists and U.S Army museum collectors scoured battlefields and graveyards for Native bodies.[23] Native bodies were objectified and used for research as well as displayed in museums around the world.

## Collecting Native Bodies for Science

Created as temporary prisons for American Indians, reservations were spaces used to confine Native bodies until U.S colonization was completed. Laws regarding reservation land were created so haphazardly, we currently see problems arise from the lack of clarity or foresight of American politicians in the 1800s.[24] Native Americans were, and I argue, continue to be, especially during 45's administration, an obstruction to settler's access to land.[25] To fulfill Manifest Destiny, the belief that European-American settlers were destined to expand across North America, Natives had to be eliminated.[26] Along with homicides, battles, massacres, and executions, California Indians died at alarming rates from diseases, displacement, and starvation.[27] Adding to early authors, Helen Hunt Jackson (*Ramona*, 1884) and Dee Jackson (*Bury My Heart At Wounded Knee*, 1970), Benjamin Madley has called the intentional and systematic mass murder of California Indians between 1846-1873 genocide. In 1850, the Nisenan people of northern California were at the center of a genocidal campaign as Dr. Israel Lord wrote in his journal that "These diggers [the Nisenan] are bound to be exterminated."[28] However, for some settlers, killing Native Americans was not enough. In addition to genocide,

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[23] Ibid.,1-34.
[24] Carole E. Goldberg, "Public Law 280: The Limits of State Jurisdiction over Reservation Indians," UCLA Law Review 22, no. 3 (February 1975): 535-594
[25] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native", Journal of Genocide Research, 2006, 8:4, 387-409
[26] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native", Journal of Genocide Research, 2006, 8:4, 387-409
[27] Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (New Haven: Yale University Press: 2016). 1-10.
[28] Ibid. 97.

the desecration of Indian remains and sacred objects has been documented since the beginning of the European immigration to Turtle Island. As early as 1620, Pilgrims were recorded looting Indian graves in their new home.[29] Along with Manifest Destiny, Americans perpetuated the "Vanishing Indian" myth that Native Americans were destined to disappear in the face of colonialism.[30] Museums also fell for this myth and feared that "the best specimens", valuable for revealing racial secrets through science, were too vanishing. This colonial panic helped generate the race to collect Native human remains.

Between 1830 to 1851, Morton promoted the new belief of polygenism, the theory that humans evolved from multiple races rather than the biblical single creation story.[31] Up until this point, monogenism, the belief that all humans come from Adam and Eve, was upheld as the norm. Polygenism rejected the biblical theory and countered it with a "scientific" argument that human races were separate biological species. [32] Morton viewed himself as a scientist and he impressed his generation with an "empirical" demonstration that race was correlated with skull size and various levels of human intelligence and evolution. His writings were entrenched with racist views, for example, he wrote that "In deposition the negro is joyous, flexible and indolent, while the many nations which compose this race present a singular diversity of which the far extreme is the lowest grade of humanity."[33] He believed the racial ranking of Indians below Europeans and Africans below everyone else, which is what later would become biological determinism. Biological determinism is the notion that people and races at the bottom of the

[29] Devon A Mihesuah, *Repatriation Reader: Who Owns American Indian Remains?* Chapter: Introduction (Lincoln: University of Nebraska Press: 2000) 2.
[30] Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind,* (Oakland: University of California Press: 1988)
[31] Stephen Jay Gould, The Mismeasure of Man, (New York: WW Norton & Company:1996:78) 1-94
[32] Ibid. 71.
[33] Samuel George Morton. Crania Americana: A comparative view of the skulls of various aboriginal nations of North and South America, (Philadelphia: J. Pennington: 1893).7.

racial hierarchy are genetically and intellectually "intrinsically inferior".[34] Morton's craniometry experiments consisted of filling different skulls (i.e., European, Native American, African, and Asian) with lead pellets to see which skull was larger, and according to his theories, therefore more intelligent. Morton concluded that European skulls were larger and therefore that the European "race" was superior. Morton's approach triggered a new wave of scientific research on the human skull and created a new and larger market for the looting of Indian graves.

Morton was surprised when he could not find the necessary skulls to study. "Strange to say, I could neither buy nor borrow a cranium of each of these races" he later wrote.[35] Disappointed in the insufficient amount of skulls available for research he wrote, "Forcibly impressed with this great deficiency in a most important branch of science, I at once resolved to make a collection for myself."[36] Demand for human anatomical specimens greatly outnumbered the legal supply of excavated criminals. Physicians increasingly turned to professional grave robbers for human remains. Nineteenth century physicians had no issues digging up the graves of Euro-Americans (cadavers from the white race were most highly prized for medical purposes).[37] It was easier to rob the graves of African Americans and Native Americans, so these graves became targets. Morton had secured skulls from archaeological sites but had difficulty gathering contemporary American Indian skulls. As smallpox and other epidemics swept across Indian Country, more Native skulls and remains turned up on the black market and Morton purchased them. In 1846, Moron's Indian skull collection had surpassed 600 individuals from different tribes, sexes and ages. Morton used his research of skulls to write the one of the most influential

[34] Stephen Jay Gould, The Mismeasure of Man, (New York: WW Norton & Company:1996:63).
[35] David Hurst Thomas, *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity* (New York: Basic Books, 2000).
[36] Ibid..39
[37] Ibid..39.

books on scientific racism, Crania Americana (1839). This book validated Morton's theories of white supremacy and was widely regarded as legitimate science. The following is an excerpt from the bestseller:

> The Native American race is marked by a brown complexion; long, black, lank hair and deficient beard…. In their mental character the Native Americans are averse to cultivation and slow in acquiring knowledge, restless, revengeful, and fond of war, and wholly destitute of maritime adventure. They are crafty, sensual, ungrateful, obstinate, and unfeeling, and much of their affection for their children may be traced to purely selfish motives. They devour the most disgusting foods, uncooked and uncleaned and seem to have no idea beyond providing for the present moment. Their mental faculties from infancy to old age, present a continued childhood. Indians are not only averse to the restraints of education, but for the most part are incapable of a continued process of reasoning on abstract subjects.[38]

This passage illustrates Morton's racist views of Natives that subsequently became absolute truth when he presented his ideas to the European-based scientific world. This audience had little to no contact or relationships with Indigenous peoples, so Morton's beliefs reinforced their already held ideas of Native American deficiency. Morton's views justified to the American public the reason for Westward Expansion and further colonization of North America.

UC anthropologists in the early 20th century like Alfred Kroeber and JP Harrington conducted salvage anthropology[39] throughout California.[40] In the early 20th century, emerging UC Berkeley anthropologist, Samuel A. Barrett came across a Wintun burial ground in Putah Creek in Northern California.[41] Although looters had taken beads and arrowheads, little attention was paid to the skeletons. Elated, Barrett excavated the graves of Pomo Native

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[38] Samuel Morton, *Crania Americana: Or a Comparative View of the Skulls of Various Aboriginal Nations of North America*, (Sacramento: Creative Media Publishing: 2018).
[39] Salvage anthropology was popular in the early 19th century, fearing Native Americans and their cultures would become extinct, anthropologists urgently collected Native material culture and recorded ethnographies.
[40] Ira Jackins, "The First Boasian: Alfred Kroeber and Franz Boas, 1896-1905", American Anthropologist, 520-532. 2002
[41] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 79.

Americans and sent three cases of human remains to UC Berkeley to be housed at their future museum, the Phoebe A. Hearst Museum of Anthropology. This later became the first (recorded) struggle for repatriation by a California Indian tribe when the Yokayo Rancheria hired a lawyer in 1906 to retrieve their ancestors.[42]

Anthropological collections housed at the Fowler Museum at UCLA were acquired from researchers, private donors, and government agencies. The Fowler's 2016 repatriation and reburial of over 2,000 Southern California Indian ancestors was "the largest repatriation of Native American remains in California history" according to UCLA Fowler Curator of Archaeology, Wendy Teeter .[43] Although in the 1990s, UCLA was home to "pro research" and anti-repatriation professors like Gail Kennedy and Clement Meighan, over a twenty-year period UCLA has been successful in returning thousands of individuals to their tribes. In this thesis I aim to address why and how UCLA's Fowler Museum has successfully repatriated thousands of ancestors while other universities like UC Berkeley have repatriated less than 300 individuals in the same time span.[44] The UCLA Fowler Museum can be used as a model of successful repatriation with tribal communities for other universities and museums.

[42] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News From Native California, 2013.
[43] Louis Sahagun. "Desecrated in Macabre Ways, the Ancestral Remains of Catalina's Native Americans Finally Come Home." The Los Angeles Times. November 22, 2017.
[44] Felicia Mello, "Native American Tribes Clash with UC Over Bones of Their Ancestors", Cal Matter Higher Education, 10 July 2018.

## Indigenous Perspectives

Studying human remains can inform scientists about human evolution, patterns of violence, health, environment or agriculture, causes of death, and many other factors.[45] While Native Americans are not against science, they are against the unethical research that centered on and primarily exploited their ancestors. Historically, some human remains at museums and universities were often taken as spoils of war from early battles and massacres.[46] As of November 2019, the number of Native American human remains that have been reported to the National NAGPRA database but have not been listed in a notice of inventory completion are: 117,025 culturally identified individuals, 14,408 culturally unidentified individuals, and 769,235 associated funerary objects.[47] For the past century only certain people, educated non-Native men, have been able to define and explain American Indians in Western scientific terms.[48] "We have been the objects of scientific investigations and publications for far too long, and it is our intent to become people once again, not specimens" wrote Vine Deloria Jr. (prominent Lakota author, lawyer and activist) when addressing his views on Indians, archaeologists and the future.[49]

Native bodies were used for science because they were not seen as human by 18th century scientists.[50] Early scientists like Samuel Morton promoted nineteenth century racism, imperialism, and colonialism. At the time, European and American powers established systems

[45] Katherine Max Davidson, UCLA Department of Anthropology Memorandum to Dr. Johnson. October 2, 1990. UCLA Fowler Archives.
[46] David Hurst Thomas*, Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity,* (New York: Basic Books, 2000). 11-29.
[47] NAGPRA Inventories Database. National Park Service Website.https://www.nps.gov/subjects/nagpra/inventories-database.htm
[48] Vine Deloria Jr. "Indians, Archaeologists and the Future" American Antiquity, Vol.57. No.4 October 1992. 595-598.
[49] Ibid.,595.
[50] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous* Peoples (London: Zed Books, 2012).26-29.

of rule and social relations for interaction with the indigenous people they colonized.[51] These relations were contested by Native Americans tribes for being heteropatriarchal and ethnocentric, and asserting heterosexual men were at the center of early meetings among settlers and Natives, ignoring common Native practices of matrilineality.[52] Tuhiwai Smith explains that indigenous peoples were viewed as lacking intellect, "We could not invent things, we could not create institutions or history, we could not imagine, we could not produce anything of value, we did not practice the "arts of civilization".[53] The ethnocentric dismissal of indigenous ontologies, epistemologies, philosophies, world views, and cultures led colonizers to believe that indigenous peoples were not human or partially human.[54] If an entire group of people are declared not human, then they can be viewed at scientific specimens. Tuhiwai Smith argues that indigenous peoples must constantly assert and claim their humanity as indigenous peoples. The perspective that indigenous peoples were inhuman is what justified oppression, colonialism and eventually the scientific study of indigenous peoples. Dehumanization was entrenched in language, laws, the economy, social relations, and the cultural life of colonial societies.[55] Demanding the return of stolen ancestors who were once seen as "non-human" is a modern example of how indigenous peoples still must assert their humanity**.** Humanism, the demand of human rights (and in this case social justice), is the idea of the universal human subject who is capable of creating history, knowledge and society.[56]

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[51] Ibid.,27
[52] Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies* (Seattle: University of Washington Press, 2018) 6-7.
[53] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous* Peoples (London: Zed Books, 2012) 27.
[54] Ibid. 27.
[55] Ibid. 26-28.
[56] Ibid.27.

Even today, with changing public attitudes and progressive laws protecting Native burials and remains, Native Americans are often treated with lack of consideration. Native graves are still at risk of being disturbed, like the recent discovery of Native American remains in Orange County during a road widening project of Interstate 405.[57] And when tribal members visit museums to review archaeological and ethnographic collections, they are faced with the reality that early anthropologists collected Native remains with little to no provenance information or ancestors were inadequately cared for.[58]

## Methods and Theory

In this thesis, I use a qualitative approach to address how the UCLA Fowler Museum engages in collaborative repatriation with California Indian tribes. I look at two cases, the Fowler Museum's first NAGPRA grant with the Santa Ynez Band of Chumash in 1999 and the Wiyot Tribe's repatriation in 2010. These two cases showcase the Fowler's unique approach for working with California Indian tribes, resulting in positive outcomes for both the tribes and museum. I collected data through archival research and participant-observation in my position as a Fowler Museum NAGPRA Assistant and UCLA NAGPRA Committee student representative, I primarily acquired data through archival research, case studies, interviews, participant observations and observation and data collection through ethnographic means as a UCLA graduate student. I examined the archival records of Diana Wilson, UCLA NAGPRA Ethnographer and from 1986 to 1995. I also examined and digitized over 300 of the Fowler's

[57] Colleen Shalby. "Native American burial site believed to be found amid a freeway construction project." (Los Angeles: Los Angeles Times) Oct. 10, 2019.
[58] Desiree Martinez, Wendy G. Teeter, Karimah Kennedy-Richardson. "Returning the *tataayiyam honuuka* (Ancestors) to the Correct Home: The Importance of Background Investigations for NAGPRA Claims". Curator: The Museum Journal, Volume 57 Number 2, April 2014.

NAGPRA archival documents from 1989 to 2018. I began with 1989 because it is the year before NAGPRA was implemented and there was organizing done by anti-repatriation professors at UCLA. I ended with 2018 since it was the last complete year.

My research centered on UC's history regarding anthropology, collecting and repatriating California Indian ancestors. As well as describe the repatriation debate at both the national and local (UC) level. Through the UCLA NAGPRA archive I analyzed letters, memos, documents, notes, UCLA Daily Bruin newspaper articles, fliers, journals, and other material from UCLA faculty and staff to better understand UCLA repatriation attitudes and processes in the early 1990's. I also used the archives for evidence regarding my two case studies: the Santa Ynez Chumash grant and the Wiyot repatriation.

Research Questions

- What is the University of California's repatriation history?
- How have California Indians resisted the treatment of their ancestors?
- Pre-NAGPRA, did UCLA have faculty or staff who were against the implementation of NAGPRA?
- What are the challenges UCLA faces when complying with tribes and NAGPRA?
- How does UCLA overcome these obstacles?
- How does UCLA interpret and conduct UC NAGPRA compliance?
- Does UCLA work to repatriate ancestors to non-federally recognized tribes? Is this process different than repatriating to federally recognized tribes?

- What are some UCLA repatriation cases?
- How does AB 2836 effect UCLA NAGPRA Committee's future ability to successfully repatriate ancestors?
- How can UCLA's repatriation model be used at other UCs

## Literature Review

The repatriation of Native American human remains is not only a human rights issue but social justice as well. Repatriation aims to rectify the cultural devastation of Native American peoples resulting from American and European colonial expansion as well as the development of the field of anthropological study. The main question when studying repatriation is: why were Native bodies collected in the first place? In *Bone Rooms: From Scientific Racism to Human Prehistory,* historian Samuel Redman explains how nineteenth century institutions like the Smithsonian, U.S Army Medical Museum, and San Diego Museum of Man created a market for collectors of Native American human remains. In the early 19th century, native body parts were crucial for scientists to study the origin of humans, eugenics and evolution.[59] Redman describes the post-Civil War museum boom when the collecting of human skeletons and mummies for racial science studies became commonplace. Museums in the U.S grew their collections of human remains around the burgeoning scientific fields of physical anthropology and comparative anatomy. Redman further illuminates how salvage anthropology added to the collection of Native bodies.

[59] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 1-5.

In 1918 Ales Hrdlicka, curator of physical anthropology at the *Smithsonian* then later curator at the *San Diego Museum of Man* argued, "if it is urgent to gather data on the language, religion and customs of people who are disappearing, it is surely quite as urgent to secure a physical record of the same groups, records which will always remain the most substantial criterion of their classification".[60] The idea of the "Vanishing Indian" was widespread in every aspect of American society and used to further exploit Native graves.

Like Redman, archaeologist David Hurst Thomas explains the history of collecting bodies for science in *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*. Hurst Thomas begins with the Kennewick Man controversy and traces the five-hundred-year history of plundering Native graves for science, war and in some cases hobby. He explains Thomas Jefferson's interest in the Native American "race" and his large collection of Native American artifacts. Before Jefferson and other scientists like Morton, Europeans and Americans more often believed in the biblical theory of human origins.[61] It wasn't until 1775 when German anatomy professor Johann F. Blumenbach wrote about racial differences that Christian theology origins of humanity were contested. Blumenbach was one of the early scientists to studying human skulls and created the categories "Mongoloid," "Caucasoid," and "Negroid," but American Samuel Morton is credited with creating a scientific study of human skulls.

Since their inception colonial institutions like museums and universities have disregarded Native American requests to end the desecration and mistreatment of Native graves and bodies.

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[60] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 168.
[61] David Hurst Thomas, *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*, (New York: Basic Books, 2000) 36-41.

In the chapter "Who Owns Our Past? The Repatriation of Native American Human Remains and Cultural Objects", in the reader, *Studying Native America : Problems and Prospects,* Cherokee scholar and anthropology professor Russell Thornton explains how the repatriation movement led to the passing of federal and state laws like the *Native American Graves Protection and Repatriation* Act (NAGPRA), passed in 1990, that protect Native American graves and mandate the return of Native American human remains. Thornton states that Native Americans have attempted to legally prevent the collection of their human remains and cultural objects for more than a century.[62] Although Native American communities have always demanded their ancestors' remains, it was in the 1970's that Native groups began to lobby in Congress for repatriation laws protecting burials and returning ancestors.[63] The repatriation movement was an organized effort to return Native human remains and objects to their home communities.[64]

Thornton believes the repatriation movement was also a pan-Indian movement because it involved Native Americans from different tribes that joined a cause for common (though tribally specific) interests. He considered repatriation a revitalization movement as well because it was a "deliberate, organized conscious effort by members of a society to construct a more satisfying culture".[65] According to Thornton, these movements create a better social and cultural system while reviving or affirming selected features. Repatriation spiritually revitalizes Native American communities by aiming to recover what was taken from them. Although repatriation has good intentions, it is not an easy task. Suzan Shown Harjo, Cheyenne and Hodulgee Muscogee poet, curator, and political activist, believes that "as difficult as implementation of the

[62] Russell Thornton, *Studying Native America: Problems and Prospects*, (Madison: University of Wisconsin Press, 1998). 387.
[63] Ibid. 395
[64] Ibid.389.
[65] Russell Thornton, *Studying Native America: Problems and Prospects*, (Madison: University of Wisconsin Press, 1998) 395.

repatriation policy and laws may be in the non-Native world, the truly complex issues are being examined by Native peoples, who must arrive at a consensus in matters for which most lack specific historical and ceremonial context. Each detail of repatriation, including whether or not to request repatriation, must be worked out within each family, clan society or nation".[66] Harjo understands that repatriation may be difficult in a settler colonial world, but the real issue is to make sure indigenous nations, families and clans agree on the entire repatriation process. Repatriation laws were created by non-Natives in a non-Native world. Native bodies continue to be treated with lack of humanity from non-Native institutions. Depending on their recognition status, not all tribes have the same access to repatriation. Many archaeological collections were amassed by looters and amateur collectors with little to no location information.[67] Additionally, tribes are faced with the absence of incomplete museum inventories, inadequate funding for consultations and having the burden of proving cultural affiliation. Lastly, some tribes may not have land to rebury their ancestors on. Even with all these obstacles, Native communities continue to fight for the respectful treatment and return of their ancestors.

In *Decolonizing Methodologies: Research and Indigenous Peoples*, Maori scholar and professor of indigenous education, Linda Tuhiwai Smith writes a critical analysis of Western research's role in the process of imperialism and colonization of indigenous nations across the globe. Tuhiwai Smith explains how European colonizers viewed indigenous peoples as "not human" which allowed them to subjugate and colonize the indigenous peoples of the New World. When nineteenth century European colonizers encountered indigenous peoples, they

[66] Ibid. 395.
[67] Desiree Martinez, Wendy G. Teeter, Karimah Kennedy-Richardson, "Returning the *tataayiyam honuuka'* (Ancestors) to the Correct Home: The Importance of Background Investigation for NAGPRA Claims" Curator: The Museum Journal, Vol 57 No.2. April 2014.

were viewed as "primitive peoples that could not use [their] minds or intellect".[68] Europeans came with their own ideologies of race and gender which governed interactions with the indigenous people being colonized.[69] This notion of non-human indigenous peoples is what allowed early scientists to study and collect indigenous bodies and material cultural. European and American dehumanization of indigenous peoples led to the systematic fragmentation of the indigenous and Native American world. This is seen in the worldwide exploitation of indigeneity that allowed for Native human remains, sacred objects, artwork, language, creation stories to be taken by non-Native anthropologists and museums.[70] Tuhiwai Smith states "for indigenous peoples fragmentation has been the consequence of imperialism."

Lastly, in Ho-Chunk professor Amy Lonetree's book, *Decolonizing Museums: Representing Native American in National and Tribal Museums* she examines the role of colonization in American museums and the new shift to indigenous controlled indigenous collections. Lonetree understands and details the pain museums can inflict on Native peoples. Native peoples view museums as intimately linked to ongoing colonization process.[71] She understands the "hate-love relationship" Native Americans have with museums but sees an optimistic future for collaboration with Native communities and museums that house their cultural material. Lonetree views Native objects in museums as "living entities that embody layers of meaning, and they are deeply connected to the past, present and future of indigenous communities".[72] Museums have historically been "ivory towers of exclusivity", however,

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[68] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous* Peoples (London: Zed Books, 2012) 27.
[69] Ibid. 31.
[70] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous* Peoples (London: Zed Books, 2012) 29.
[71] Amy Lonetree, *Decolonizing Museums: Representing Native America in National and Tribal Museums*, (Chapel Hill: University of North Carolina press, 2002). 1.
[72] Ibid., xv

Lonetree explores how Native communities are creating new museum spaces that engage with their community and create community-relevant sites.[73] She seeks to understand the role museums play in contemporary indigenous communities as part of the cultural sovereignty movement and self-determination. She explains how there is a new "shared authority" between Native communities and museum curators where both groups come together to work collaboratively for the same goal. Tribes want to be involved in creating exhibits about their communities and now museums have begun to see the tremendous value in their input. In this book Lonetree focuses on three museums: the Smithsonian's National Museum of the American Indian, the Mills Lacs Indian Museum, and the Ziibiwing Center of Anishinaabe Culture & Lifeways (an institution that chose to leave out the word "museum" from their name). She analyzes the representation of Native Americans in exhibits, texts and images. Lonetree concludes her book with recommendations for the decolonization of museums the U.S. Above anything else, Lonetree sees community-collaborative exhibitions as a central part of decolonizing the museum space.[74]

My thesis continues this research but focuses on specifically on repatriation at UCLA. Although, UCLA was not always progressive when it came to repatriation, it struggled in the early 1990's to create a consensus among faculty, museum staff and students.[75] Colonial attitudes about ownership of Native American human remains permeated throughout UCLA's Anthropology Department, but with activism from American Indian students and allies, UCLA

[73] Ibid.,1.
[74] Amy Lonetree, *Decolonizing Museums: Representing Native America in National and Tribal Museums*, (Chapel Hill: University of North Carolina press, 2002) 30-35.
[75] Leonard L. Banks and Barbara Feezor-Stewart, "Human Remains at UCLA: A History of Divergent Views and Attempted Compromise Concerning American Indian Bones" (Los Angeles: UCLA Anthropology Journal, 1991)

entered the NAGPRA era ready to collaborate with Native Americans and return their ancestors home.

The books examined in this literature review explore scientific racism, the collecting of Native bodies for science, repatriation efforts led by Natives Americans and finally, Indigenous museum futurities. Although these works are vital for understanding the repatriation of Native ancestors from museums, they do not look at issues specific to the University of California, UCLA or California Indians. The literature gap addressing this topic can be attributed to the erasure of Indigenous narratives from history, along with colonial amnesia, the view that creates new realities and histories of colonized lands.[76] Ignoring the Yokayo Pomo's story of repatriation in 1906 validates the colonial narrative that repatriation is a relatively new issue. Additionally, when the Kumeyaay's battle with UC San Diego is covered in the media, the Tribe is frequently seen as obstructing scientists' right to study their ancestors.[77] My research adds to the field of American Indian Studies by investigating UC and UCLA repatriation history by investigating case studies where UCLA successfully collaborated with California Indian tribes. The following section looks at two UC case studies which exemplify Native American resistance and determination.

[76] Faye Christine Caronan. "Making history from U.S colonial amnesia: Filipino American and U.S Puerto Rican poetic genealogies." Ph.D. dissertation. UC San Diego, 2007. eScholarship.
[77] Rex Dalton, "Scientists Fight University of California to Study Rare Ancient Skeletons". Wired: Science. https://www.wired.com/2011/05/ucsd-skeleton-fight/

## Chapter One: California Indian Resistance: The Yokayo Pomo & UC Berkeley

The continuing struggle between indigenous peoples, scientists and museum professionals over control of deceased ancestors is critical in obtaining social justice, human rights, and native sovereignty. California Indians have always resisted the desecration of their ancestors' graves and the use of their human remains as specimens for study. The question is, when was this concern documented in the Western archives? The Yokayo Pomo are the indigenous people of Sonoma, Mendocino and Lake counties in Northern California and survivors of the California Gold Rush genocide.[78] They have lived in their traditional territory since time immemorial. In 1906, the tribe hired a lawyer to file a lawsuit against the University of California and Alfred Kroeber, the head of UC Berkeley's new anthropology department, for the illegal excavation of Yokayo Pomo graves.[79] Litigation was not new to the Yokayo. In 1906, two chiefs filed suit in the Superior Court of Mendocino County to establish a land trust to the benefit of Yokayo tribal members.[80] The Yokayo's story of legal action for the return of their ancestors is amazing for many reasons specifically because it showcases California Indian resistance as early as 1906.

From 1903 to 1906, Samuel Barrett, a young UC Berkeley anthropology graduate student conducted fieldwork in Pomo territory for his future book, The Ethnography of the Pomo and Neighboring Indians.[81] Barrett was well known to the locals and knew the region well since he had grown up in the area. During his youth his parents owned a general store where the Pomo

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[78] Benjamin Madley*, An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (New Haven: Yale University Press: 2016). 296.
[79] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News From Native California, 2013.
[80] Charles Kasch, "The Yokayo Rancheria", California Historical Society Quarterly, Vol. 26 No. 3, Sep 1947, pp. 209-215.
[81] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News From Native California, 2013.

would sell their world renowned baskets.[82] The Yokayo Rancheria was vital to the basket market and its basket weavers were paid six times more per day than laundry workers at the time.[83] During these years Barrett accumulated a large collection of Pomo baskets and was known as a "dealer, collector, promotor and expert".[84] When Kroeber offered Barrett a position in the Anthropology department at Berkeley, Barrett sold his entire basket collection to fund his education.[85] In March 1906, while conducting fieldwork in Pomo Country, Barrett wrote a letter to Kroeber describing the location of forty to fifty Yokayo Pomo gravesites in Ukiah, a city in Mendocino County. Barrett received permission from the landowner to excavate the graves on the premise he would be reimbursed for any damage of his corn crop.[86] Kroeber, who's "prime concern" was "the purely aboriginal, the uncontaminated Native", supported Barrett's request and sent three students to help with Barrett's excavation of the graves.[87]

[82] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News From Native California, 2013.
[83] Ibid.
[84] Ibid.
[85] Ibid.
[86] Ibid.
[87] Ibid.

been caused by a criminal operation.

EXPERTS TO STUDY INDIAN QUESTIONS

BERKELEY, Jan. 4.—The tribal relations and territories of the many groups and families of Indians in California and Arizona are to be studied by ethnological and archaeological experts connected with the anthropological department of the State University. Many such bodies of Indians have become extinct and others are on the point of passing away. Former populous villages are now known by name only, and it is proposed to locate all these, and ascertain their affiliations with other tribes.

Dr. P. E. Goddard is now in Arizona investigating the Apaches, who have been found to be related to the far away Hupa and other Indians of California.

S. A. Barrett is preparing to leave for the coast region of Northern California to complete researches dealing with the geography of the Pomo and other Indians of that region. His report on the work will be issued by the university among its publications. He will procure a map of the region showing all tribes, bands and villages with their aboriginal names and the American names now used, which have been derived from Indian names.

Dr. A. K. Kroeber is to leave soon for

FIVE SKELETONS OF POMOS FOUND

Success Attends Work of Studying Indians of the Past.

Scientists of University Return From Trip to Mendocino.

BERKELEY, June 15.—Gratifying success has marked the efforts of a group of university scientists recently sent out by the department of anthropology at the university to obtain remains in Mendocino County of the Pomo Indians inhabiting that section. The expedition has returned with five complete skeletons and a large quantity of beads and other objects that are buried with the dead. These are the first skulls or skeletons of the Pomo Indians to be placed in any museum or institution in the world, and will therefore be of great importance in determining the racial qualities of this tribe and its physical relationship with the other Indians of the State.

Under ordinary circumstances the Pomos have always practiced cremation instead of burial, which accounts for the almost universal loss of their remains. They were a people of medium stature, with heavy round skulls, differing markedly from some of their neighbors of short height and unusually long heads. It is planned at the first opportunity to extend the knowledge regarding them by a large series of measurements and photographs of living individuals of their race. The

REDS WANT BONES OF FOREFATHERS.

BERKELEY, Aug. 22.—By their zeal to add to the university's collection of relics of aboriginal Indians, several savants of the institution, under the direction of Professor A. L. Kroeber, so angered the California Indians in the vicinity of Ukiah that these tribesmen engaged McNab & Hirsch, attorneys of San Francisco, to present their claims for reparation from the university authorities. The university men unearthed skeletons of Indians and removed them to the anthropological museum at the Affiliated Colleges in San Francisco. The living relatives of the dead whose bones now lie in the university museum protested mightily

Figure 2: Articles about UC Berkeley's research expedition in Northern California, The San Francisco Call, 1906. From: University of California, Riverside, California Digital Newspaper Collection.

In January 1906 The San Francisco Call began reporting that UC Berkeley "ethnological and archaeological experts" would begin studying the tribal relations and territories of Native Americans in California and Arizona.[88] This research was vital to scientists at the time since, "Many such bodies of Indians have become extinct and others, are on the point of passing away."[89] Reiterating the belief many anthropologists like Aleš Hrdlička had at the time, the media emphasized the myth that Indians were disappearing and research that preserved Indian culture was imperative.[90] This article was supportive of UC Berkeley's research and assumed the anthropologists were doing valuable work. Five months later in June another article was printed,

[88] Wes Keat, "Experts to Study Indian Questions", San Francisco Call, Volume 99 Number 36, 5 January 1906. University of California, Riverside, California Digital Newspaper Collection.
[89] Ibid.
[90] Samuel J Redman, *Bone Rooms: From Scientific Racism to Human Prehistory in Museums* (Cambridge: Harvard University Press, 2016) 72.

this one hailing the expedition as a "gratifying success". The article states how archaeologists retuned to UC Berkeley with "five complete skeletons and a large quantity of beads and other objects that are buried with the dead".[91] This was important, according to the article, because the skulls and skeletons were the first Pomo Indian human remains to be placed in any museum or institution in the world. The article confirms the scientific racism of the day, stating that the human remains will "therefore be of great importance in determining the racial qualities of this tribe and its physical relationship with the other Indians of the State."[92] Describing the Yokayo Pomo in a somewhat alien manner, the author says "they were a people of medium stature, with heavy round skulls, differing markedly from some of their neighbors of short height and unusually long heads."[93] Although the "science" done by UC Berkeley anthropologists was viewed as precise and well-founded, paleontologist, evolutionary biologist, and science historian, Stephen Jay Gould explains the issues with late early 19th century understanding of race. In his book "The Mismeasure of Man", Gould explains how scientists in 1868, G.R Gliddon and Josiah C. Nott falsely exaggerated sketches of skulls of humans and apes when comparing differences of races. For example, Gliddon and Nott inflated the chimpanzee's skull size and extended the African skull's jaw to give the impression that Africans rank lower than apes.[94] Scientists of the time were obsessed with researching the differences of race and "the pervasive assent given by scientists to conventional rankings arose from shared social beliefs, not from objective data gathered to test an open question."[95] The pseudo-research done on the Yokayo Pomo's ancestors

[91] "Five Skeletons of Pomos Found", San Francisco Call, Volume 100 Number 16, 16 June 1906. University of California, Riverside, California Digital Newspaper Collection.
[92] Ibid.
[93] Ibid.
[94] [94] Stephen Jay Gould, The Mismeasure of Man, (New York: WW Norton & Company:1996:78) 65.
[95] [95] Ibid.,66.

was valuable during this time because it reinforced the views that "human races" were biologically different, and subsequently had inherent intellectual differences.

According to an investigation by C.E Kelsey for the United States Indian Service, Barrett and his team excavated four skulls, bone fragments and, small trinkets which were all sent to the anthropological museum of the University of California at Berkeley. Following the excavation, the Yokayo Rancheria hired the same lawyers that handled their trust case to seek the repatriation of the human remains and grave goods taken from their cemetery.[96] The Yokayo's lawyers were persistent in their claim and reached out to local newspapers for any further information that would help their case. In a letter to local media Yokayo lawyer, John L. McNab wrote,

> of course, the persons who dug up the bodies may not have been aware that it is an offense under the penal code to remove a human body from a place of burial. I wrote to you knowing that you can refer this to the proper department and would suggest that if any information can be given upon this subject which would lead to a return to the bodies, it would be the proper thing to do under the circumstances. The Chiefs of the tribe are men of considerable intelligence and our firm has represented them in some important litigation concerning their tribal relations, their right to hold lands etc.[97]

Not only does McNab inform the public of the legal ramifications of disturbing a burial in California, but he highlights the social status and education of Yokayo chiefs. Newspapers like the San Francisco Call and Ukiah Dispatch-Democrat began reporting that Kroeber faced felony charges. Concerned about the legal ramifications, Barrett told his excavation crew to make no statements to the media.[98] Since Kroeber and Barrett were not releasing the remains in a timely fashion, McNab wrote a letter to Kroeber threatening to file criminal charges stating, "we do not

[96] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News from Native California, 2013.
[97] Ibid.
[98] Ibid.

believe that it will be at all conducive to the advancement of the investigations of your [anthropology] department to have this matter become public any more than it is".[99]

In the August 22, 1906 San Francisco Call article titled "Reds Want Bones of Forefathers", the Yokayo's demand for repatriation is explained to the public. It states that "under the direction of Professor A.L Kroeber, several servants so angered the California Indians (the vicinity of Ukiah) that the tribesmen engaged McNab & Hirsh attorneys of San Francisco to present their claims for repatriation from the university authorities"[100]It also explains how McNab and Hirsh had an agreement with UC President Wheeler and Professor Kroeber that their ancestors would be returned but "the Indians now allege that these promises were unfulfilled"[101]

McNab leveraged the court of public opinion to persuade Kroeber to repatriate the Yokayo ancestors because soon after this letter was sent, Kroeber "returned twelve packages of human remains to the Yokayo Rancheria".[102] Although Kroeber and the University of California believed the Yokayo's request was settled, the tribe still wanted to be compensated for reburial expenses and for emotional distress. It is not known if the UC reimbursed the Yokayo for the violation of their relative's graves, but this story remains an extraordinary feat for a California Indian tribe in 1906.

This case of the Yokayo Pomo demonstrates that Native resistance to the desecration of their ancestor's burials is not a new concept. The Yokayo used all the resources available to a tribe in 1906, from media to legal action, to successfully have their ancestors' remains

[99] Tony Platt, "The Yokayo vs. The University of California: An Untold Story of Repatriation", News From Native California, 2013.
[100] "Reds Want Bones of Forefathers", San Francisco Call. Volume 100, Number 84, 23 August 1906. University of California, Riverside, California Digital Newspaper Collection.
[101] Ibid.
[102] Ibid.

repatriated from the University of California. Not only were the Yokayo's ancestors returned but UC Berkeley and Kroeber were exposed to the San Francisco area as grave robbers. Unfortunately, this media attention died down after the repatriation and this story is largely forgotten by Californians and the academic community.

## The Kumeyaay and UC San Diego


Figure 3: Photo of two Kumeyaay women at a "Save Our Ancestors from Desecration" event at the U.S Navy SEAL base in Coronado, San Diego, California. September 1, 2016. Photo by Ozzie Monge. https://www.eastcountymagazine.org/taxonomy/term/199

"*In terms of what the Kumeyaay have put forward, the only thing I've heard is their belief, their deep tie to the land, and folklore. We need empirical evidence."* – Margaret Schoeninger, Professor of Anthropology at UC San Diego.

The Kumeyaay are the Indigenous peoples of San Diego County and Northern Baja California, Mexico and lived in their territory since time immemorial. Their traditional territory extends from the Pacific Ocean on the west and to the sand dunes of the Colorado River in Imperial Valley to the east.[103] Their northern boundary was the Warner Springs Valley and their southern boundary was Ensenada in Baja Norte, Mexico.[104] The division of Kumeyaay territory in 1848 by the annexation of Mexico's northern territory by the United States created a new

[103] Stephanie Joyner, "Examining Decolonization and Kumeyaay Representation at the San Diego Museum of Man" (ProQuest Dissertation Publishing, 2016) 54.
[104] Ibid.,15.

border and two separate political and economic structures, cultures, and languages.[105] Today the Kumeyaay Nation comprises twelve federally recognized bands with reservation lands covering over 70,000 acres in San Diego County. In addition to the bands on the U.S side of the U.S/Mexico border, there are five communities in Northern Baja California, Mexico.[106]

Seventy years after the Yokayo Pomo's dispute with UC Berkeley, the Kumeyaay faced a similar controversy with the University of California at San Diego. In 1976, during an archaeological excavation led by UCSD, UCLA professor Gail Kennedy was asked to investigate two approximately 10,000-year-old sets of human remains that were unearthed at the UC San Diego Chancellor's House in La Jolla, California.[107] These remains were some of the oldest full skeletal remains found in North or South America and considered key for understanding early human history of the continental U.S. Legally, these remains were under the control of UCSD since they were discovered on university property.[108] UCSD scientists viewed the Kumeyaay ancestors as a potential wealth of knowledge concerning ancient DNA, the peopling of the Americas, food & diet, diseases, and other topics. Since their discovery in 1976 the ancestors have been stored at various institutions like UCLA, the San Diego Museum of Man, the National Museum of Natural History, Smithsonian Institution, San Diego State University, and finally the San Diego Archaeological Center, a mutually agreed upon location by UCSD and the Kumeyaay.[109]

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[105] Michael Wilken, *Kumeyaay Ethnobotany: Shared Heritage of the California*, (San Diego: Sunbelt Publishing, 2017). 28.
[106] Stephanie Joyner, "Examining Decolonization and Kumeyaay Representation at the San Diego Museum of Man" (ProQuest Dissertation Publishing, 2016) 67.
[107] White v. The University of California, 765 F.3d 1010- Court of Appeals, Ninth Circuit (2014)
[108] Carl Zimmer, "Tribes' Win in Fight for La Jolla Bones Clouds Hopes for DNA Studies", The New York Times, 29 January 2016.
[109] Ibid.

The Kumeyaay have actively demanded the repatriation of their ancestors since they were unearthed in 1976.[110] However, since the remains were found before the Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990, there was no law to require the repatriation of human remains from federally funded institutions. Following the passing of NAGPRA, Kumeyaay tribal members finally had the legal recourse to initiate repatriation. It was not until 2006, when the Kumeyaay Cultural Repatriation Committee (KCRC), which represents the 12 Kumeyaay bands, filed suit for the repatriation of the skeletons, that the University finally agreed.[111] Unfortunately, soon after that decision was publicized, UC professors who believed their academic freedom was being infringed upon decided to sue the UC to block the repatriation.[112] The following is an excerpt of the lawsuit, White v. University of California:

> The tribes claimed the right to compel repatriation of the La Jolla remains to one of the Kumeyaay Nation's member tribes. Repatriation was opposed by the plaintiffs, University of California professors who wished to study the remains. The professors sought a declaration that the remains were not "Native American" within the meaning of NAGPRA, which provides a framework for establishing ownership and control of newly discovered Native American remains and funerary objects, as well as cultural items already held by certain federally funded museums and educational institutions.[113]

UCSD anthropology professor, Margaret Schoeninger, UC Davis anthropology professor Robert Bettinger, and UC Berkeley integrative biology professor Timothy White of UC Berkeley argued the ancestor's bones are precious research objects and there is no evidence that they are Native American remains.[114] Schoeninger said the skeletons were not buried in a way consistent with ancient Kumeyaay practices and collagen taken from the bones indicated the two ate ocean fish

[110] Sudhin Thanawala, "Researchers, Tribes, Clash over Native Bones", Native American Times, January 2012.
[111] Ibid.
[112] Ibid.
[113] White v. The University of California, 765 F.3d 1010- Court of Appeals, Ninth Circuit (2014)
[114] Ibid.

and mammals in contrast to the Kumeyaay.[115] James McManis, lawyer for the UC professors boldly stated to reporters that "These [bones] are not Native American".[116] He followed that statement with "The idea that we're going to turn this incredible treasure over to some local tribe because they think it's Grandma's bones is crazy." McManis' patronizing remarks are incredibly offensive and disrespectful to the first peoples of San Diego County. No Kumeyaay tribal member was reported as saying these bones were their "grandma". This comment reflects the idea that Native American human remains are viewed only as specimens to be studied for their scientific value. The UCOP Systemwide NAGPRA committee consensus was that the bones are Kumeyaay since they were found in San Diego and therefore, reflect the ongoing lifeways and traditions of Kumeyaay of that time, and supported by Kumeyaay oral history and therefore, they are Kumeyaay ancestors. Not only did these UC professors have the audacity to assert the claim that the ancestors were not Kumeyaay, but their belittling and condescending remarks once again reaffirmed colonial racist attitudes of white supremacy and that non-Native scientists know more than Native peoples.

While every federal court that received the case found it to be without merit, it wasn't until after several years of legal posturing in 2016 when the US Supreme Court declined to hear the UC's professor's case against the UC, the dispute finally ended.[117] The original court found the case to be without merit. The Kumeyaay had countersued the UC for failing to transfer the ancestors after the completion of NAGPRA. The court found that the Kumeyaay were a necessary part of the suit but were protected by sovereign immunity, a decision upheld in the Ninth Circuit Court of Appeals.[118] Forty years after the discovery of the ancestor's bones they

[115] Sudhin Thanawala, "Researchers, Tribes, Clash over Native Bones", Native American Times, January 2012.
[116] Ibid.
[117] Kate Gibbon, "Two 7500 BC Skeletons go to Tribal Organization", Cultural Property News, 31 January 2016.
[118] Ibid.

were finally repatriated to the Kumeyaay, who could finally lay them back to rest. These two examples demonstrate how California Indians have always resisted the mistreatment of their ancestors. Each tribe faced unique spatial and temporal obstacles but through the use of the courts, each tribe was able to bring their ancestors home, where they should have been left undisturbed for eternity. Not only do these cases prove that repatriation has been a major issue among Native Americans for centuries, it also showcases how California Indian tribes navigated repatriations prior to the passage of NAGPRA.

## Native American Graves Protection and Repatriation Act (NAGPRA) of 1990

Soon after LB 340, Nebraska's Unmarked Human Burial Sites and Skeletal Remains Protection Act was passed in 1989, Suzan Shown Harjo (Cheyenne and Hodulgee Muscogee poet, writer, and policy advocate), Walter Echo-Hawk (Pawnee author and attorney), William Tallbull (Northern Cheyenne tribal historian), and other advocates pushed for a national Native graves protection and repatriation law. This law was opposed by influential organizations like the American Committee for the Preservation of Archaeological Collections (ACPAC), Society of American Archaeologists (SAA), American Association of Physical Anthropologists (AAPA), and American Association of Museums (now called the American Alliance of Museums) (Riding In 2012). Regardless of the opposition, Shown Harjo and her partners had overwhelming support in Indian Country and among allies who view repatriation as an ethics and social justice issue. After gaining support from both Congress and the Executive Branch, the 1989 National

Museum of the American Indian Act (NMAIA) was passed.[119] NMAIA was a groundbreaking law that required the Smithsonian Institution, which contained the largest collection of American Indian human remains in the U.S, to create an inventory of all American Indian and Native Hawaiian human remains and funerary objects and return any ancestors or artifacts to their culturally affiliated tribes. The NMAIA was significant for several reasons, but most importantly, it influenced the passage of the Native American Graves Protection Repatriation Act (NAGPRA) of 1990.

NAGPRA, a human rights law, was created to end the centuries old practice of illegally removing Native American human remains and cultural items from graves. The law grants Native Americans the same access and control of their ancestors' remains that non-Native scientists have always had. NAGPRA requires federal institutions and museums to create inventories of NAGPRA eligible human remains and artifacts, consult federally recognized Native American tribes for repatriation and ultimately repatriate ancestors and funerary and/or ceremonial items back to their communities.[120] "Federal institution" includes any institution that receives federal funding such as: universities, state or local governments, tribes, libraries, state preservation offices, community colleges, historical houses and local parks.[121] While NAGPRA is widely known for repatriation, it also seeks to protect Native American graves from looters by making it a criminal offense to obtain and sell Native human remains. The penalties for violating NAGPRA may be up to 12-month imprisonment and a $100,000 fine.[122] NAGPRA is managed by the Secretary of the Interior and the National NAGPRA Program is housed within the

[119] James Riding In, "Introduction: Human Rights and the American Indian Repatriation Movement: A Manifesto", 44 Arizona State Law Journal 613, 2012.
[120] Sangita Chan & Jamie M.N Lavallee, *Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of. the Native American Graves Protection and Repatriation Act* (Corvallis: Oregon State University Press: 2013) 10.
[121] Ibid.,8.
[122] National NAGPRA, National Park Service: U.S Department of the Interior. 2019 https://www.nps.gov/nagpra/

National Park Service (NPS).[123] NPS is responsible for developing regulations, providing administration and staff support, managing the grants program and publishing notices.[124] The passage of NAGPRA was a large feat for burial protection and repatriation supporters. The manner that federal museums acquire and display collections reflects American law and social policy, the passage of NAGPRA implies the change of attitudes concerning Native American cultural resources and historic preservation.[125] NAGPRA (finally) acknowledges Native American tribes and descendants, not museums, have the right to determine the treatment of their ancestors' human remains.

## Issues with NAGPRA

Although NAGPRA was created with good intentions, those who work in the tribal historic preservation field, museums or those who work for repatriation goals would argue that it has limitations and problems. NAGPRA only creates a framework for repatriating to federally recognized tribes, leaving many non-recognized tribes (many in California) without alternatives for federal repatriations. When NAGPRA was passed in 1990 there were an estimated 100,000 to 200,000 Native American human remains and 10 to 15 million cultural items in museum and federal agency collections.[126] Under NAGPRA, all federal institutions and museums (Smithsonian excluded) were required to create inventories of their NAGPRA eligible human

[123] Sangita Chan & Jamie M.N Lavallee, *Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of. the Native American Graves Protection and Repatriation Act* (Corvallis: Oregon State University Press: 2013) 9-12.
[124] Ibid., 30-35.
[125] Walter R. Echo-Hawk. "Museum Rights vs. Indian Rights: Guidelines for Assessing Competing Legal Interests in Native Cultural Resources". 14 NYU Review of Law & Social Change, Vol.XIV:437. 1986
[126] Sangita Chan & Jamie M.N Lavallee, *Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of. the Native American Graves Protection and Repatriation Act* (Corvallis: Oregon State University Press: 2013) 26.

remains and artifacts by November 13, 1993.[127] In 2012, sixteen years after that deadline, only 118, 000 sets of human remains had been returned to their tribes.[128]

Another issue with NAGPRA's concept of cultural affiliation. Although, "cultural affiliation" as stated by NAGPRA assumes that Native Americans are not static peoples who are connected to earlier groups of their ancestral territory, this can be challenged by non-Native researchers. NAGPRA states that cultural affiliation can be established when there is a preponderance of evidence that proves a connection through kinship, oral tradition, folklore, archaeology, linguistics or other expert supported evidence as determined by the controlling museum or agency. As seen with the Kumeyaay and UC San Diego case, scientists do not always agree with Native Americans tribes regarding cultural affiliation, leaving many human remains labeled as "culturally unidentifiable".

In 2012, there were 123,000 individuals on the National NAGPRA Program database listed as culturally unidentifiable, which accounts for 75 percent of individuals reported in federal institutions and museum's collections to date.[129] This unfortunate oversight leaves hundreds of thousands individuals in limbo, not able to be reburied in their homelands, and also left to be studied by museum and university members.

[127] Ibid.,10.
[128] Ibid.,11.
[129] Sangita Chan & Jamie M.N Lavallee, *Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of. the Native American Graves Protection and Repatriation Act* (Corvallis: Oregon State University Press: 2013) 34-37.

## UC Policy for Repatriation of Human Remains

In April 1991, UC President David Pierpont Gardner sent a letter enclosed with the "UC Policy and Procedures on Repatriation of Human Remains and Cultural Items" to all UC laboratory directors, members of the President's cabinet, Academic Council Chair, Assistant Vice President and Principle Officers of the Regents.[130] Unlike other reluctant UC campuses, UCLA readily accepted the new federal law and was ready to implement it campus wide. The UC policy is almost identical to the national NAGPRA law except for one article. Since the implementation of 1991 UC Policy and Procedures on Repatriation, the UC has demonstrated their understanding and consideration of non-federally recognized California tribes. Under Article I, it read "This policy provides for the University to repatriate to descendants and Indian tribes, under specified conditions, human remains and cultural items in its collections. Indian tribes include federally or California recognized tribes, bands, nations, rancherias, reservations or other recognized groups or communities".[131] Under Article III, Section C. the UC states that "the Chancellor shall establish a process for potential lineal descendants and Native American tribes to request repatriation of human remains and associated funerary objects from the campus in those cases in which cultural affiliation has not been determined".[132] In 1991 the UC President and Regents had the foresight to recognize possible issues concerning culturally unidentifiable human remains in the future.

[130] David Pierpont Gardner, Letter from UC President, David Pierpont Gardner to UC faculty and staff, Office of the President, 1 April 1991. UCLA Fowler Museum Archives.
[131]UCLA Policy and Procedures on Repatriation of Human Remains and Cultural Items, 15 November 1991. UCLA Fowler Museum Archives.
[132] Ibid.

This policy is outdated and had no amendments regarding unidentifiable remains until this year, 2019 (more about this in UCLA Today section). In the current policy, last updated in 2012, there is a note under "Section C: Requests from California-recognized Indian tribes." This note explains that in the case that human remains meet all other criteria and have been reported as culturally unidentifiable then the University will consult with the Secretary of the Interior, which is responsible for National NAGPRA. The UC, the policy states, will proceed with repatriation only "upon recommendation of the Secretary, as specified in federal law".[133]

[133] Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items, University of California Policy, 2012, https://policy.ucop.edu/doc/2500489/HumanCulturalRemains

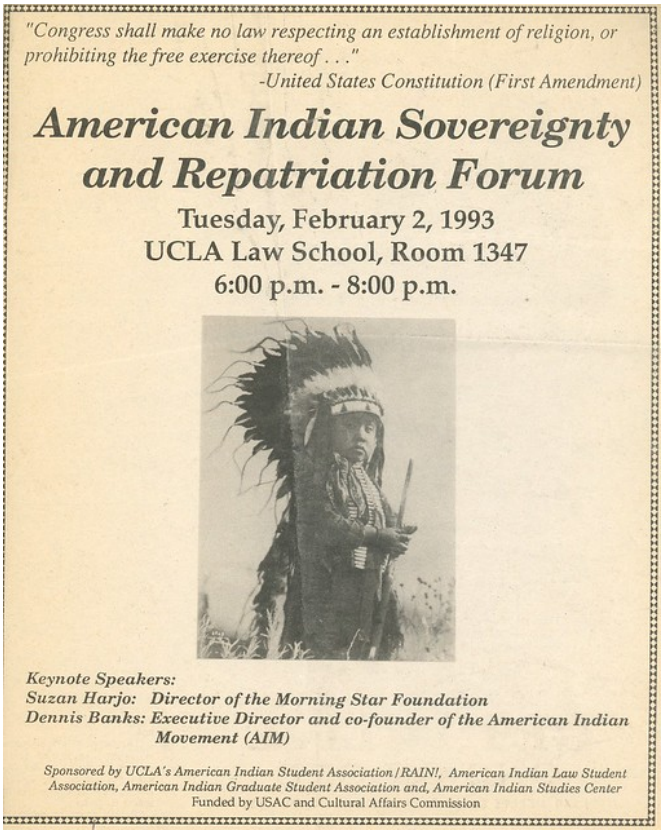

Figure 4: Flyer for the American Indian Sovereignty and Repatriation Forum at the UCLA Law School in 1993. Keynote speakers included Suzan Shown Harjo and Dennis Banks. UCLA Fowler Museum Archives.

"*How can you think of being a Bruin when your ancestors are being held as spiritual hostages by the University?"*- Steve Lewis, UCLA American Indian Student Association (AISA) President 1990.[134]

In the Spring of 1991, the UCLA Anthropology Graduate Students Association published a journal titled "Archaeology and Indigenous Peoples: Ethical Issues and Questions".[135] The journal comprised of articles from Native graduate students from different fields across campus.

[134] Thy Dinh. "Activists demand return of remains". UCLA Daily Bruin. October 9, 1990.
[135] Kristen D White and UCLA Anthropology Graduate Students Association. "Archaeology and Indigenous Peoples: Ethical Issues and Questions." (Los Angeles: UCLA Department of Anthropology) 1991.

The authors critiqued and investigated a novel concept in 1991, the exploitation historically done to Indigenous peoples by anthropologists. Articles in the journal explored various topics ranging from New Zealand archaeology and Maori involvement, excavating sacred sites in Maui, Hawai'i, modern reuse of Inca buildings and the collection of human remains housed at UCLA. In addition to this journal, students also organized events to generate open dialogue and resolution towards the repatriation issue. Also, in 1991, the American Indian Students Association (AISA) and the American Indian Studies Center (AISC) hosted a Repatriation Conference for the UCLA community with panelists including Pawnee American Indian Studies Professor James Riding In, Pawnee writer Roger Echo Hawk, Cheyenne and Hodulgee Muscogee writer and activist Suzan Shown Harjo, UCLA Law Professor Carole Goldberg and UCLA Fowler Director Christopher Donnan. The sessions covered a variety of topics such as the historical overview of repatriation, case studies and the law, California State law and repatriation and "How to extract ancestral remains and sacred objects from UCLA."[136] Another forum, the American Indian Sovereignty and Repatriation Forum was hosted in 1993 (Figure:4), organized once again by AISA and AISC. Keynote speakers were Dennis Banks, Ojibwe, co-founder of the American Indian Movement (AIM) and Suzan Shown Harjo, Cheyenne and Hodulgee Muscogee, most well known for her leading role in the passage of NAGPRA. Bringing these two significant American Indian leaders to UCLA validated the importance of repatriation while also introducing the topic to new people. This event allowed for students, faculty, staff and community members to hear how repatriation and American Indian sovereignty are intertwined. UCLA students were successful in their goal to publicized the repatriation issue while gaining

[136] UCLA Repatriation Conference Agenda. Saturday November 16, 1991. UCLA NAGPRA Files, 1991 Folder. UCLA Fowler Museum Archives.

supporters, but there were still faculty and students who did not support American Indian control of ancestral human remains.

From the late 1980s to his retirement in 1991, UCLA Professor of Anthropology, Clement Meighan became the face of the anti-repatriation movement in the United States. Meighan joined the expanding faculty of Anthropology in 1952 and finished his Ph.D. from UC Berkeley in 1953.[137] His research focused on researching the prehistory of many places including southern California, Baja California, Chile and west and central Mexico. He published tremendously, but his passion was in rock art studies and the developing field of obsidian hydration analysis leaving a legacy of work in each area.[138] Although Meighan's contribution to archaeology is immense, he is remembered by those in the anthropology field for his anti-repatriation stance.

As a product of mid twentieth century anthropology at UC Berkeley, Meighan strongly believed in the academic freedom of scientists to study American Indian human remains. He did not see it as destructive or impeding on Native's human rights, in fact, he wrote, "How could I harm any person who had already been dead for thousands of years? How could anything that my studies did with the bones of these ancient people harm any living person?"[139] His view on death and the afterlife contrast with many Native American tribes' worldviews. But it also demonstrates the inherent difference of beliefs from anti-repatriation scientists' and Native American communities.

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[137] Gerald Vizenor, *Survivance: Narratives of Native Presence,* (Omaha: University of Nebraska: 2008). 1-12
[138] Dr. Clement W. Meighan Curriculum Vitae, Woodworm Press Publishers, http://wormwoodpress.com/resume.html
[139] Clement W. Meighan, "Another View on Repatriation: Lost to the Public, Lost to History", The Pubic Historian: Vol.14, No.3 Summer 1992.39-45.

In James Riding In's article, "Repatriation: A Pawnee's Perspective" he wrote, "the acts committed against deceased Indians have had profound, even harmful effects on the living. [Pawnee] believe that if the body is disturbed, the spirit becomes restless and cannot be at peace". In the Pawnee worldview, restless spirits torment the living with psychological and health problems.[140] The only reason Pawnee's would ever disinter a body would be for a credible religious reason.[141] The Kumeyaay have a similar belief of ancestral burials and the afterlife. They believe once a person has been laid to rest, they should never be disturbed.[142] When speaking about repatriation, tribal member, Steve Banegas said, "They are our relatives. We want them reburied."[143] I would like to believe that modern day archaeologists would respect the Pawnee's, Kumeyaay's or any other tribes' religious view, but during Meighan's era, this was not the case.

Toward the end of his career and in the midst of the repatriation movement, Meighan wrote articles in support of archaeologists' academic freedom and the "destruction of archaeology collections."[144] Meighan concluded, "is a term that indicated you are returning something to the people who own it. This is not true in the case of archaeological collections".[145] Native Americans, Meighan contended, do not have property rights to museum collections because they were collected by scientists and museums for educational and public interest.[146] It did not matter that Native ancestors were disinterred by grave robbers or that American

[140] James Riding In, "Repatriation: A Pawnee's Perspective", American Indian Quarterly, Vol.20, No.2 Special Issue: Repatriation: An Interdisciplinary Dialogue, Spring 1996. 238-250.
[141] Ibid.
[142] Sudhin Thanawala. "Tribes retriving ancestral remains" The Washington Post. Jan.17, 2012.
[143] Rex Dalton. "University of California denies request for repatriation of remains". Nature: International weekly journal of science. Oct.29, 2008.
[144] Clement W. Meighan. "Some Scholars' Views on Reburial" American Antiquity, Vol.57, No. 4. Oct.1992. 704.
[145] Clement W. Meighan, "Another View on Repatriation: Lost to the Public, Lost to History", The Pubic Historian: Vol.14, No.3 Summer 1992. 9-45.
[146] Ibid. 39-45.

anthropologists manipulated Indians during times of genocidal practices to sell or barter their cultural heritage for a few bucks. Meighan defined American Indian Studies Professor Andrew Gulliford's articles about repatriation and Native human rights as "literature of political victimization", he consistently defended early archaeologists' exploitation of Native bodies for Western science.[147]

As if Meighan didn't already sound like an out of touch nineteenth century archaeologist, he wrote "Indians of the present U.S had no written languages, therefore no documented history. What written history exists is what was recorded by missionaries, settlers, government officials and (for the past hundred years or so) anthropologists." He continued with, "All Indian history prior to 1492 is available to us only from archaeology".[148] He disregards Native alternatives to written languages like the Haudenosaunee wampum belt, Lakota winter counts or Kumeyaay ground paintings and song cycles which encode collective memories.[149] As Native activists lobbied for repatriation and graves protection laws, Meighan viewed reburial as the "loss of research materials dealing with Indian history" and the "elimination of large collections of human skeletons."[150] The Stanford University repatriation case of 1989, the first major repatriation done by a California university to the Ohlone tribe and before NAGPRA was enacted, also unnerved Meighan and his supporters.[151] Academic freedom, research value of collections, or ownership beliefs are some reasons why anti-repatriation supporters disagreed with Stanford's decision. "Stanford University Takes A Giant Step…Backwards" read the front-

[147] Ibid. 39.
[148] Ibid. 41
[149] NAGPRA Inventory of Native American Human Remains and Associated Funerary Objects in Possession or Control of the UCLA Fowler Museum of Cultural History and Culturally Affiliated with the Kumeyaay Cultural Repatriation Committee (KCRC). Section I-29. UCLA Fowler Museum Archives.
[150] Clement W. Meighan, "Another View on Repatriation: Lost to the Public, Lost to History", The Pubic Historian: Vol.14, No.3 Summer 1992. 45.
[151] Society for California Archaeology Newsletter, Vol.23 No.4, July 1989.

page article of the July 1989 Society for California Archaeology newsletter. The author credits "political correctness" to explain why "Stanford University turned its back on a long tradition of scientific achievement."[152] The article ends with restating how Stanford has taken a giant step back and wonders if "can the Dark Ages be far behind?"[153] As the political climate changed in the U.S and universities considered Native requests, the opposition became more vocal and resistant of American Indian demands for repatriation.

In 1991, the UCLA archaeological mortuary collections were composed almost entirely of remains from the Americas.[154] In a 1990 letter from UCLA Professor of Anthropology, Gail Kennedy, she writes "human bones are used in the following classes: Anthropology 129P: Paleopathology, Anthropology 129P: Human Osteology, Anthropology 12: Human Evolution and Anthropology 121A, B, C. The bones are in constant usage in Independent Studies and degree projects. 5-6 per year"[155]. Since there were only 5 classes (in addition to other projects) that used human remains at UCLA in 1990, creating policy to end their use should have been less difficult. As NAGPRA became set to pass, some anthropology faculty, staff and students questioned how UCLA would comply with the law and when (not if) repatriation would take place.

[152] Ibid..2.
[153] Ibid. .2
[154] Leonard L. Banks and Barbara Feezor-Stewart, "Human Remains at UCLA: A History of Divergent Views and Attempted Compromise Concerning American Indian Bones" (Los Angeles: UCLA Anthropology Journal, 1991)
[155] Gail Kennedy, Letter to Allen Johnson, "Re: Classroom Usage of bones", 26, October 1990. UCLA NAPRA Files, 1990 Folder. UCLA Fowler Museum Archives.

## UCLA Anthropology Department and Student Protests

As the repatriation issue heated up in 1990, the UCLA Anthropology Department became the target of student protests. Led by the American Indian Student Association (AISA), students held protests and walk-outs to show their rejection to having Native bones curated in Haines Hall. On October 8th 1990, over 200 UCLA students and faculty protested UCLA's possession of Native human remains and the celebration of Columbus Day, calling it a "cruel celebration of genocide.[156]" Students gathered outside of Haines Hall and marched to Chancellor Young's office refusing to leave until he or administrators scheduled a meeting with AISA.[157] AISA's goal was to have Chancellor Young sign a resolution stating the "complete, swift and immediate repatriation of American Indian remains", said Steve Lewis, president of AISA.[158] Although it was the anthropology department (*not* the Fowler Museum) that excavated the human remains in Haines, Fowler Museum was assigned the task for compliance of NAGPRA. As such Deputy Director Doran Ross was asked to comment on this article. Ross stated, "I certainly understand the American Indian perspective. The whole issue revolves around responsible care of things in the museum's trust. Unless proper transfer can be arranged, it would be irresponsible to release anything without correct procedure."[159] Ross also explains that there is currently a UCLA committee organizing the repatriation of Native human remain on a case-by-case basis, and a larger committee conducting a UC systemwide evaluation.[160] He ends his interview with the Daily Bruin by stating how he and the University "want direct student input from AISA, and we

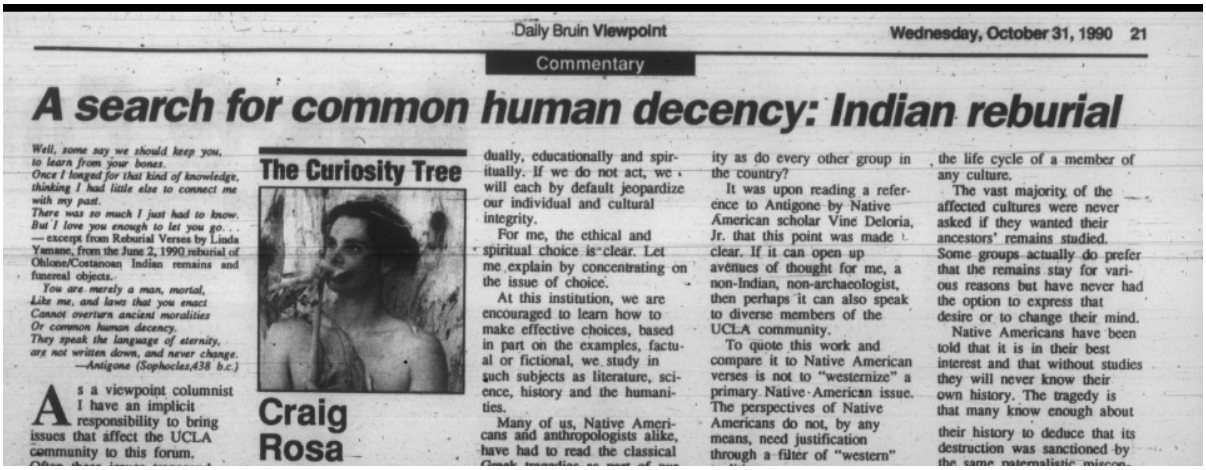
[156] Thy Dinh. "Activists demand return of remains". UCLA Daily Bruin. October 9, 1990.
[157] Ibid.
[158] Ibid.
[159] Ibid.
[160] Ibid.

would be one of the few proper resources (administrators) could go to for advocates of the American Indian community."[161]

This student led movement was not only at UCLA but also at other universities including Stanford, who in 1989 returned 550 Ohlone Indians to their descendants.[162] During this era, UCLA administration, attempted to move the American Indian Studies Center from Campbell Hall to Haines Hall. "Students Walk out over Remains" read the August 20, 1990 Summer Bruin front page. This article reported on the recent walk-out of more than 150 students from their Freshman Summer Program class. At the time, it was estimated that UCLA held over 1,300 Native human remains.[163] This is comparison to UC Berkeley's Hearst Museum which was estimated to hold 8,000 Native American individuals and is the third largest collection of human remains in the U.S.[164] American Indian students were strategic in their goals and began the conversation with unpacking the colonial injustice of the collecting of Native remains by scientists. In these early protests, AISA reached across campus and departments for support from non-Native students and faculty. Adolfo Bermeo, History professor who taught in Haines Hall said, "It is a contradiction for me to be talking about Native Americans in a building that has the remains of more Native Americans than there are attending UCLA."[165] Without collaborating with students and faculty from outside of AISA and American Indian Studies, support for repatriation would not have been possible.

[161] Ibid.
[162] Jane Gross, "Stanford Agrees to Return Ancient Bones to Indians." The New York Times. 24 June 1989.
[163] Chris Steins, "Students walk out over remains: Professor supports return of Native American artifacts", UCLA Summer Bruin, 20 August 1990. UCLA Fowler Museum Archives.
[164] Ibid.
[165] Ibid.

Although, there was overwhelming support for AISA and their goal of repatriation, anthropology students at UCLA supported archaeologists whose goal it was to "preserve Indian culture" by keeping Native remains for science. In a November 1990 Daily Bruin article, anthropology students Andrew Yatsko and Coreen Chiswell wrote their response to an article by James Riding In and the violation of Indians rights by archaeologists. Supporting 19th century salvage anthropologists and their objectives, the authors state that archaeology and ethnography were the only disciplines that "appreciated" Indian culture.[166] They continued, "archaeologists are at least partially responsible for public recognition of the validity and importance of prehistoric Indian cultures".[167]



Daily Bruin Viewpoint Wednesday, October 31, 1990 21

Commentary

# A search for common human decency: Indian reburial

*Well, some say we should keep you,*
*to learn from your bones.*
*Once I longed for that kind of knowledge,*
*thinking I had little else to connect me*
*with my past.*
*There was so much I just had to know.*
*But I love you enough to let you go. . .*
*— excerpt from Reburial Verses by Linda*
*Yamane, from the June 2, 1990 reburial of*
*Ohlone/Costanoan Indian remains and*
*funereal objects.*

*You are merely a man, mortal,*
*Like me, and laws that you enact*
*Cannot overturn ancient moralities*
*Or common human decency.*
*They speak the language of eternity,*
*are not written down, and never change.*
*—Antigone (Sophocles,438 b.c.)*

**The Curiosity Tree**



As a viewpoint columnist I have an implicit responsibility to bring issues that affect the UCLA community to this forum.

dually, educationally and spiritually. If we do not act, we will each by default jeopardize our individual and cultural integrity.

For me, the ethical and spiritual choice is clear. Let me explain by concentrating on the issue of choice.

At this institution, we are encouraged to learn how to make effective choices, based in part on the examples, factual or fictional, we study in such subjects as literature, science, history and the humanities.

Many of us, Native Americans and anthropologists alike, have had to read the classical

ity as do every other group in the country?

It was upon reading a reference to Antigone by Native American scholar Vine Deloria, Jr. that this point was made clear. If it can open up avenues of thought for me, a non-Indian, non-archaeologist, then perhaps it can also speak to diverse members of the UCLA community.

To quote this work and compare it to Native American verses is not to "westernize" a primary Native American issue. The perspectives of Native Americans do not, by any means, need justification through a filter of "western"

the life cycle of a member of any culture.

The vast majority of the affected cultures were never asked if they wanted their ancestors' remains studied. Some groups actually do prefer that the remains stay for various reasons but have never had the option to express that desire or to change their mind.

Native Americans have been told that it is in their best interest and that without studies they will never know their own history. The tragedy is that many know enough about their history to deduce that its destruction was sanctioned by

Figure 5: Daily Bruin, October 31, 1990. UCLA Daily Bruin Archive.

Another article in support for repatriation came out in the October 31, 1990 Daily Bruin when World Arts and Culture senior Craig Rosa explained his position. Rosa expresses his responsibility as Daily Bruin contributor to highlight issues that affect the UCLA community.

[166] Coreen Chiswell and Andrew Yatsko, "Archaeology Preserves Indian Culture", UCLA Daily Bruin, 31 October 1989. UCLA Fowler Museum Archives.
[167] Ibid.

"Few issues raised at this university force us to challenge ourselves as much as the conflict concerning the over 1000 Native Americans held in Haines Hall."[168] It's an inspiring read that non-Native UCLA students felt this level of empathy and responsibility during the early days of the repatriation fight. He ends his article by writing, "Other institutions like our own, such as Stanford and the Smithsonian have begun the process of releasing Native American remains and we should look towards their examples."[169] Rosa illustrates the progressive and compassionate environment UCLA students created, ready for change. Rosa's article is one of over thirty that were published in the Daily Bruin from 1990 to 1997 by UCLA students (non-Native and Native) that agreed with the reasons for repatriating ancestors that were in museum collections around the country.

## UCLA and Non-Federally Recognized Tribes

An issue with NAGPRA is the interpretation of who the law applies to. In order to have ancestors repatriated, Indian groups must be considered an "Indian tribe" under NAGPRA.[170] Sec.2 (7) defines "Indian tribe" means any "tribe, band, nation, or other organized group or community of Indians including any Alaska Native village" who's recognized as entitled to special programs and services provided to the U.S to Indians because of their status as Indians.[171] The final sentence of the "Indian tribe" definition applies to California Indian tribes, "The Secretary will distribute a list of Indian tribes for the purposes of carrying out this statue through the Departmental Consulting Archeologist."[172] This list is the Bureau of Indian Affairs' (BIA)

[168] Craig Rosa, "A search for common human decency: Indian reburial", UCLA Daily Bruin. 31 October 1990.
[169] Ibid.
[170] Diana Wilson, "California Indian Participation in Repatriation: Working Toward Recognition", American Indian Culture and Research Journal 21:3, 191-209, 1997.
[171] Native American Graves Protection and Graves Act (NAGPRA) Public Law 101-601; 25 U.S.C. 3001
[172] Diana Wilson, "California Indian Participation in Repatriation: Working Toward Recognition", American Indian Culture and Research Journal 21:3, 191-209, 1997.

list of federally recognized Indian tribes. Federal or BIA recognition gives Tribes all the benefits of NAGPRA, while leaving "non-recognized tribes as non-players"[173] As of 2019, there are 109 federally recognized tribes in California.[174] Several of these California Indian tribes were ones that signed one of eighteen unratified federal treaties that were written in California in 1851 to 1852.[175] To counter the inequality of non-federally recognized tribes participating in NAGPRA claims, UCLA categorically emphasized the inclusion of non-federally recognized California tribes. When the UCLA Chancellor's Advisory Committee on Repatriation was initially formed in 1991, the goal was to have tribal liaisons from both federally recognized and non-federally recognized tribes. In 1991, there were thirteen members appointed to the Committee, two of whom were Gabrielino/Tongva, Vera Rocha and Manuel Rocha.[176] The Fowler Museum acknowledged it was evident they would have to find an approach to repatriate to non-federally recognized tribes.

One solution The Fowler created for repatriating to non-federally recognized tribes is to recommend that non-federally recognized tribes band with affiliated federally recognized tribes to support their repatriation efforts.[177] When a federally recognized tribe makes a repatriation request in conjunction with a non-federally recognized tribe, the repatriation has a better chance of proceeding. Once the repatriation is finalized the federally recognized tribe can then return the ancestors or sacred objects to the non-federally recognized tribe. This method illustrates how

[173] Ibid.
[174] Federal and State Recognized Tribes. National Conference of State Legislators Website.
[175] Diana Wilson, "California Indian Participation in Repatriation: Working Toward Recognition", American Indian Culture and Research Journal 21:3, 191-209, 1997.
[176] Members of the Chancellor's Advisory Committee on Repatriation of Human Remains and Cultural Items Memorandum from Harold Horowitz. UCLA NAGPRA Files, 1991 Folder. UCLA Fowler Archives.
[177] Summary of NAGPRA Review Committee Meetings, Los Angeles, February 16-18, 1995. UCLA NAGPRA Files, 1995 Folder. UCLA Fowler Archives.

tribes work together, but also validates the non-federally recognized tribe as a legitimate tribe, among other tribes.

The first UC policy from April 1, 1991, stated a process for repatriation of human remains and cultural items to "federally or California recognized tribes, bands, nations, rancherias, reservations, or other recognized groups or communities".[178] Throughout the decade the Fowler sent NAGPRA consultation letters to federally recognized tribes/groups like the Campo Band of Kumeyaay, Hui Malama I Na Kupuna 'O Hawai'i Nei, Pala Band of Mission Indians, the Navajo Nation, but also to non-federally recognized tribes like the Gabrielino/Tongva and Juaneno Band of Mission Indians/Acjachemen Nation. In 1995, the UCLA Fowler completed and sent an Inventory of NAGPRA Eligible Human Remains and Associated Funerary Objects the Juaneno Band of Mission Indians/Acjachemen. Consultation meetings for these ancestors took place September 15 and 23 in the Collections Faculty in Haines Hall.[179] This demonstrates that the Fowler was already consulting with and repatriating to non-federally recognized tribes, before and during the time the of the student protests in Haines Hall. Also in 1995, the Fowler sent the Gabrielino/ Tongva a 58-page Inventory of Native American Human Remains and Associated Funerary Objects. Gabrielino/Tongva tribal members who were consulted included Dee Garcia, Cindi Alvitre, John Lassos and Dr. John Jeffredo.[180] In a 1997 UCLA NAGPRA Advisory Committee meeting, it was stated by Diana Wilson, who worked for the Vice Chancellor's Office, "UCLA is the only campus that consults with non-

[178] Carole Goldberg, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes", American Indian Culture and Research Journal 21:3, 183-190, 1997.
[179] Inventory of Native American Human Remains and Associated Funerary Objects in the Possession or Control of the Fowler Museum of Cultural History, UCLA, and Considered to be Culturally Unidentifiable. UCLA NAGPRA Files, 1995 Folder. UCLA Fowler Archives.
[180] Inventory of Native American Human Remains and Associated Funerary Objects in the Possession or Control of the Fowler Museum of Cultural History UCLA (Gabrielino/Tongva). UCLA NAGPRA Files, 1995 Folder. UCLA Fowler Museum Archives

recognized tribes".[181] Historical dispossession of California Indians has consequences that we see today, specifically within NAGPRA.

In a 1997 letter to UCLA NAGPRA Coordinator, Professor Harold Horowitz, Carole Goldberg, Professor of Law and Chair of the UCLA NAGPRA Coordinating Committee, her opposition to the proposed revision of the UC's Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items.[182] The item Professor Goldberg was opposed to was "the treatment of repatriation claims by tribal groups that are not on the official list of federally recognized tribes published by the Secretary of the Interior".[183] Goldberg asserted that since the majority of the collection of skeletal remains and cultural objects under UCLA's control were found in California, and since California is home to the largest number of non-recognized tribes in the U.S, excluding these tribes would hamper the repatriation of human remains and cultural objects.[184] In this letter she emphasizes California State recognition of tribes like the Gabrieleno/Tongva which allows them benefits from the State. She also describes two legal examples where California Indians successfully proved their status as Indians and were awarded access to federal Indian programs.

In the first case, Malone v. Bureau of Indian Affairs, higher education grants, loans and other benefits provided under the Snyder Act were at the center of the lawsuit. According to the regulations set by the Interior Department, benefits under the *Snyder Act* were limited to only enrolled members of federally recognized tribes.[185] In 1994, a member of an unspecified tribe challenged this limitation, stating the Secretary of the Interior had not followed proper

[181] Diana Wilson, "California Indian Participation in Repatriation: Working Toward Recognition", American Indian Culture and Research Journal 21:3, 191-209, 1997.
[182] Ibid.
[183] Ibid.
[184] Letter from Carole Goldberg to Harold Horiwitz. Nov.13, 1997. UCLA Fowler Museum Archives.
[185] Carole Goldberg, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes", American Indian Culture and Research Journal 21:3,183-190, 1997.

procedures in publicizing the requirement to the Indian community. Also, the Department had mistakenly interpreted an earlier Ninth Circuit decision, believing it was required to create an eligibility standard based on tribal recognition.[186] The court stated that the Department needed to reexamine the regulation and proper procedures.[187] The court suggested that the Department chose criteria "consistent with the broad language of the *Snyder Act*", which simply states that benefits are available to Indians in the United States".[188] Since this case, the *Snyder Act* has been broadly interpreted to allow higher education grants for California Indians, federally recognized or not.

The second case that Professor Goldberg mentioned was an even stronger decision for unrecognized California tribes, *Laughing Coyote v. United States*, also from 1994. In this case the United States District Court for the Eastern District of California overturned a Fish and Wildlife Service regulation implementing the *Eagle Protection Act* because it excluded federally unacknowledged tribes.[189] This law allowed the taking of eagle parts for religious purposes of Indian tribes, where it was consistent with preserving the eagle population. In this case, a California Indian (who's tribal affiliation was unchallenged) was denied a permit for taking eagle parts by the Fish and Wildlife Service. The basis of the denial was the provision that tribal members were required to be members of tribes on the Department's list of recognized tribes. The federal court found the requirement "arbitrary and capricious" and sided with Laughing Coyote.[190] In this letter, Professor Goldberg stresses her opposition to changing the UC policy to exclude NAGPRA claims from non-federally recognized tribes. She writes, "By excluding state-

[186] Carole Goldberg, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes", American Indian Culture and Research Journal 21:3,183-190, 1997.
[187] Ibid.
[188] Ibid.
[189] Ibid.
[190] Carole Goldberg, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes", *American Indian Culture and Research Journal* 21:3, 183-190, 1997.

recognized tribes from repatriation, the Proposed Revision contracts the scope of University's repatriation policy."[191] It is not only her opinion but the precedent from previous cases in California regarding non-federally recognized tribes obtaining federal benefits that informs her decision to vehemently oppose the proposed amendment.

In another letter, this one to then Arizona Senator John McCain, Chair of Senate Committee on Indian Affairs, UCLA Professor and Director of the American Indians Studies Center (2011-2013), Duane Champagne, writes about his testimony in regard to a 1995 Committee hearing on repatriation and recognition status of tribes. Professor Champagne reiterates the intent of NAGPRA is "to repatriate as broadly as possible to the American Indian community".[192] He states the Snyder Act and how it is used by many Federal Agencies like the Indian Health Service of the Department of Health and Human Services (HIS), as the criteria for a definition of membership in Indian tribes and groups.[193] Champagne also explains the special historical circumstances in California that led many tribes to be terminated or never acknowledged by the federal government, like the mission period and termination policy. He tells Senator McCain of the 18 treaties which promised over 8 million acres to California Indians, signed in 1852 by tribal representatives and federal agents but never ratified by Congress. Subsequently, the two strongest indicators of federal recognition, a treaty and a reservation were denied to California tribes.[194] Champagne's letter echoes Professor Goldberg's letter and the consensus at UCLA, NAGPRA should include non-federally recognized tribes.

[191] Letter from Carole Goldberg to Harold Horiwitz. Nov.13, 1997. UCLA Fowler Museum Archives.
[192] Letter from Duane Champagne to Senator John McCain. 10 December 1995. UCLA Fowler Museum Archives.
[193] Ibid.
[194] Carole Goldberg, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes", *American Indian Culture and Research* Journal 21:3, 183-190, 1997.

Since enactment and implementation of NAGPRA the culture within the UCLA NAGPRA committee, faculty, staff and students has always supported repatriation consultation with non-federally recognized tribes. UCLA understands the historical context of many California Indian tribes and views it's responsibility as a land grant institution to repatriate California Indian ancestors. Although UCLA works with all California Indian tribes in this capacity, I would argue its priority is to the Tongva tribe, who's land UCLA sits on.

## Chapter Three: Case Study 1: Santa Inez Band of Chumash NAGPRA Grant

My first case study of UCLA repatriation, is not a conventional repatriation, but a great example of collaboration with a California tribe for future repatriations. During the summer of 1999, the National Park Service issued 38 NAGPRA grants, the Fowler Museum being one of the recipients.[195] It was the Fowler's first NAGPRA grant and regarded as an "innovative" project proposal. Entitled, "Identifying and Documenting Unassociated Funerary Objects, Sacred Objects and Objects of Cultural Patrimony in Chumash Late Period Archaeological Collections" and written by Dr. Wendy Teeter, Curator of Archaeology, Dr. Diana Wilson, Assistant Research Ethnographer, and Santa Ynez Band of Chumash Indian Elder Council Chair, Elaine Schneider. The grant funded collaboration with the Chumash Elders Council to consult, identify and record Chumash NAGPRA cultural patrimony.[196]

At the time of the grant, the Fowler was one of several U.S museums with significant Chumash collections.[197] The heart of this grant was the collaboration with Chumash elders, something rarely done by a museum before. In a letter to the Fowler Museum's former Chief Curator, Dr. Polly Roberts, Dr. Drake (UCLA's NAGPRA ethnographer) wrote, "the Fowler is the first museum, as far as I know, to reach out to a tribe and work with them on the repatriation of sacred objects."[198] The Fowler was not mandated by the NPS grant or UCLA policy to collaborate with the Santa Ynez Chumash, but viewed this an opportunity to go beyond standard NAGPRA and do innovative research, led by a tribe. Reaching out to tribes for collaboration,

[195] Allen F. Roberts, "Fowler Videotapes Native Collections", *Anthropology News,* November 1999.
[196] Ibid.
[197] Ibid.
[198] Diana Wilson, personal communication, UCLA Fowler Museum Archives. March 2000.

something that is now regarded as best practice in complying with NAGPRA, was first done at the Fowler in 1999. The project had the following goals:

1. To work closely with the Santa Ynez Band of Chumash Elders Council to develop the grant project goals together.

2. To identify the artifacts in UCLA's collections that are NAGPRA eligible for repatriation to Santa Ynez Reservation.

3. To develop a "photographic type collections" for the Tribe of sacred objects found in the collections at UCLA. The photos and summaries of the Chumash elders' consultation could be sent to other museums to locate NAGPRA eligible artifacts for the Tribe.

4. To increase public knowledge about the Chumash people and their cultural practices by creating closer working relationships between the Chumash and UCLA faculty and students by involving Chumash people teaching at UCLA.[199]

Elaine Schneider, Santa Ynez Chumash Elders Council chairperson, worked with Dr. Teeter and Dr. Wilson to write the grant proposal together. One year before the grant was awarded, on December 29, 1998, the Tribal Chairman, Alex Valencia and Elaine Schneider, wrote a letter to the National Park Service in Washington D.C, stating the tribe's agreement to participant in the project. The Tribe restated the project's goals and how tribal members will consult with museum staff for the inventory. The letter ended on a strong note affirming:

> In closing, we wish to reiterate our strong support for this project. It provides the opportunity for a tribe to participate directly and guide the work being completed by museums for NAGPRA. The knowledge that a tribe has about its sacred objects and

[199] Grant Agreement No.06-99-GP-217, United States Department of the Interior, National Park Service. 13 July 1999.

> objects of cultural patrimony are unique and should be included whenever possible. Please give careful review and support of this worthy project.[200]

Once the grant was approved, Fowler Museum staff arranged visits for ten Santa Ynez Chumash elders or representatives to the Fowler Museum to examine records, view collections and consult with museum staff.[201] Initially, museum staff were to videotape the consultation with Santa Ynez representatives. These videotapes would be reviewed and edited by the Elders' Council as requested. However, after initial meetings this portion did not happen due to privacy concerns of the participants.[202] Photographs of Chumash artifacts would be shown to Chumash representatives for them to provide any information or help in identifying Chumash artifacts.

The Fowler had 91 Chumash collections to be examined for sacred objects, objects of cultural patrimony or funerary objects (the collections had already been reviewed for human remains).[203] Dr. Teeter provided an inventory and information sheet for each collection, and copies were given to the Santa Ynez representatives. Over several years, delegates worked through collections and identified important objects. The Elders Council decided that it was important to share this information with others as educational opportunities arose. Cultural materials were selected by Chumash representatives and transported each time from UCLA to Santa Ynez. The Elders Council and Fowler archaeology staff set up a table during Santa Ynez pow wows, Red Road, and other events. The information shared and relationships built on and off the reservation during these events soared.[204] By the end of the grant, a typology of

[200] Grant Agreement No.06-99-GP-217, United States Department of the Interior, National Park Service. 13 July 1999.
[201] Ibid
[202]Dr. Wendy Teeter, personal communication, interview May 28, 2019.
[203] Clay A. Singer, Letter to Elaine Schneider Santa Ynez Chumash NAGPRA Coordinator, 15 February 2000. UCLA Fowler Museum Archives.
[204] Teeter, personal communication 2019

potentially sacred items was created for use by Santa Ynez Elders Council. The collections were mainly made up of ground stone tools, flaked stone tools, debitage (stone tool production debris), shell and animal bone.[205] In a February 2000 letter from the Santa Ynez Chumash's tribal archaeologist, Clay A. Singer to Chumash elder Elaine Schneider, Singer reported the outcome of the Elders' first trip to the Fowler. He wrote, "What a trip! It's hard not to be excited. Everything worked as planned, all our objectives were accomplished and everybody feels good about what was done"[206] There was much excitement at UCLA and "To celebrate and support the wonderful collaborative research between the Fowler Museum and the Santa Ynez Chumash" the Fowler Museum hosted a luncheon on April 12, 2002 for the Santa Ynez Chumash and UCLA communities[207]. The invitation stated, "The results of this project will be submitted to the National Park Service and a digitally imaged type collection will be given to the Santa Ynez Chumash to help them in making [NAGPRA] claims at institutions that they are unable to personally visit."[208]

Unlike the colonial research conducted by Samuel Morton, Alfred Kroeber or Samuel Barrett, one of the goals of this grant was to give (and not take) something to the Santa Ynez Chumash. This grant symbolizes a critical moment in UCLA's history, it set the precedent for how UCLA would collaborate with Native American tribes. The Fowler Museum did not request the grant for a project solely designed by their staff. The Fowler used this opportunity to have a California Indian tribe initiate their research project.

[205] Ibid.
[206] Clay A. Singer, Personal Communication, UCLA Fowler Archives. Letter. 15 February 2000.
[207] Invitation from Wendy Teeter to Doran Ross via email. UCLA Fowler Museum Archives.
[208] Ibid.

## Case Study 2: The Wiyot Repatriation


Figure 6: Flyer for an event recognizing the Wiyot repatriation at UCLA in 2012. Former Wiyot Tribal Chairwoman, Cheryl Seidner attended the event along with students, faculty and other members of the UCLA community.[209] UCLA Fowler Museum Archives.

The second UCLA case study focuses on a repatriation that took over a decade to accomplish. This case is interesting because it demonstrates how the UCLA NAGPRA Committee interprets the term "culturally unidentifiable" human remains. Their view on the term

[209] Save the Date Flier, Wiyot Repatriation Gathering at UCLA, UCLA Fowler Museum Archives.

differs that from UCOP NAGPRA Advisory Committee's. The University of California, Office of the President (UCOP), is the overseer of UC wide NAGPRA, and responsible for approving all repatriations. This case illuminates the issues with implementing NAGPRA at the UC level, why there is disagreement over whether each UC campus should have the autonomy in their own repatriation matters, and how the Vice Provost for Research can halt the repatriation of an ancestor. I will begin this section with the history of the Wiyot Massacre of 1860, background of the Wiyot female mandible, and explain how she came to be at UCLA. I will then focus on the intricacies of declaring cultural affiliation and the Wiyot's request for repatriation. I end with explaining how UCLA's NAGPRA Coordinating Committee fought to have her returned home to her people in Eureka, California.

## The Wiyot Massacre of 1860

In the early morning of February 27, 1860, a group of White settlers canoed to Tuluwat Village (also known as Indian Island and Gunther Island) and massacred Wiyot elders, women and children while they slept.[210] The sacred Tuluwat Village is near present day Eureka, California in Humboldt County. Massacres of this type were common following the discovery of gold in Northern California in 1849. Along with Wiyot tribal members, members of neighboring tribes, the Karuk and Yurok were also sleeping at Tuluwat Village on the fateful morning of February 27. The day before, the Wiyot people had gathered at the village for the annual world renewal ceremony, which lasted seven to ten days.[211] This ceremony was meant to renew the order of their world, to go back to the days before white settlers ravaged their land for gold and other resources. By engaging in this ceremony, the Wiyot, Karuk and Yurok were enacting self-

[210] Jeff Barnard, "Eureka Returns to Wiyot Tribe in Reconciliation for 1860 Massacre", Union Tribune Publishing, 26 June 2004.
[211] Wiyot Tribe. Tribal government website. https://www.wiyot.us/148/Cultural

determination, decolonizing their world and ultimately asserting their sovereignty as indigenous peoples.[212] Only elders, women and children were killed at this event since the men had left the island the day before to retrieve supplies needed for the remaining days of the ceremony.[213] The following excerpt is from Jane Sam, a survivor of the massacre:

> The dance was over [in] one day. The wind blew and rough weather. On account of this nobody went home. That night after the dance all were asleep. There were four houses and one sweat house….The door was blocked by white men as the people were asleep, not expecting anything to happen. They were not on the lookout. When they found out what was up they began to scatter and was struck down by clubs, knives, and axes, all met the same fate, children, women, and men. I got out and hid in a trash pile. That was how I was saved. It took all the forenoon to gather up all…[the] bodies [of] men, women, children, and babies [that] could be found. One living child was found in the arms of his dead mother and today he is [still] living….It took all day to bury the dead. The next morning they was through burying what bodies were buried on the Island. The rest of the bodies…were taken to Mad River for burial. Some were taken to the Peninsula and some to South Bay, some to Freshwater. That same night there was a massacre at the mouth of Eel River and at the South Jetty where men, women, and children were killed. What got away were taken to Bucksport [Fort Humboldt] by the soldiers. I do not know how long they were kept at Bucksport. From there we were taken to the Indian reservation[214]

Jane's heartbreaking recount of the massacre describes how the surprise attack did not give anyone a chance for survival. Wiyot community members did not expect an attack on such a spiritual and important day. Jane Sam's narrative is so valuable because Native women's voices are often left out of these historical accounts. It is depressing to learn that the survivors of this massacre spent the entire next day burying their dead.

After the massacre, the settlers looted the island where they took "all things such as beads, baskets, fur, hide, bows, and arrows. All the property belonging to the dead that was not

[212] Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies*, (Seattle: University of Washington Press:2018) 29.
[213] Jeff Barnard, "Eureka Returns to Wiyot Tribe in Reconciliation for 1860 Massacre", Union Tribune Publishing, 26 June 2004.
[214] Ibid.

taken was destroyed by burning".[215] This was a tragic day for the Wiyot, former tribal Chairwoman, Cheryl A. Sneider, expresses, "we lost our regalia, our elders, our weavers and our dreamers, all things that make a community. We have not danced since that day. We have to relearn. I can't wait for that first dance".[216] While the narrative of loss is common in Western research of Indigenous peoples, Hupa, Yurok and Karuk Native American Studies Professor Cutcha Risling Baldy asserts, "we have never lost [this] dance, it had gone dormant."[217] By having their ancestor returned, the Wiyot are changing this narrative of loss. Ceremonies are no longer lost but dormant or sleeping, waiting to be reawakened. NAGPRA enables tribal communities to regain, relearn and reclaim their ancestors, memories and ceremonies needed for healthy community relations.

## Wiyot Ancestor at UCLA and Cultural Affiliation

A Wiyot ancestral remain had been accessioned into the UCLA Loye Miller Osteology collection in the Department of Biology by Dr. Miller sometime before 1956.[218] While Dr. Miller was only interested in animals, he was known to have accepted human bones in trade for biology specimens.[219] During Dr. Miller's teaching career he formed a collection of bird and mammal bone, the Loye Miller Osteology Collection.[220] This collection is now part of the Dickey Bird and Mammal Collection at UCLA.[221] Keeping a Native American human remain in a bird

[215] Jerry Rohde, "Genocide and Extortion: 150 Years Later, the Hidden Motive Behind the Indian Island Massacre", North Coast Journal of Politics, People & Art, 25 February 2010.
[216] Jeff Barnard, "Eureka Returns to Wiyot Tribe in Reconciliation for 1860 Massacre", Union Tribune Publishing, 26 June 2004.
[217] Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies*, (Seattle: University of Washington Press:2018).
[218] Ibid.
[219] Inventory of Native American Human Remains and Associated Objects in the possession or control of The Fowler Museum, 2004.
[220] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.
[221] Ibid.

collection demonstrates the scientific racism discussed in the introduction. This goes back to the history of keeping American Indian remains in natural history museums, assuming Native Americans belong with animals, rocks, and the natural world.[222]

All potentially Native American remains were transferred to the Fowler Museum by request of the UCLA Chancellor in 1990.[223] There was little information provided because so much time had passed and his archives were kept separate from the collections.[224] There was one individual's mandible with "W.H.M.M #313 Eureka, Ca" inscribed on it. Geographically, Eureka is part of Wiyot's territory and dental morphology supported the identification as female and Native American, but that all that was known.[225] This demonstrates a recurrent issue that many museums face when complying with NAGPRA, lack of provenience of human remains. This ancestor's remains could have been collected by looters or salvage archaeologists, indifferent to documenting the location it was taken from. Although it could be inferred that the ancestor was Wiyot, this had to be confirmed by the Tribe, UCLA NAGPRA Coordinating Committee and UCOP NAGPRA Advisory Committee.

Initially, the ancestor was affiliated with Wiyot tribes; the Bear River Band of Rohnerville Rancheria, Table Bluff Rancheria and the Blue Lake Rancheria.[226] Since "Eureka, Ca" was written on her, Dr. Diana Wilson began reaching out to the Wiyot Tribes and Rancherias of Northern California (where Eureka is located). After consultation with Sheryl Siedner, Chairperson of Table Bluff Rancheria and Tom Gates, Yurok Tribal archaeologist, it

[222] Currently the American Museum of Natural History in New York houses a permanent exhibit "Hall of Plains Indians" that showcases 19th century Hidatsa, Dakota, Cheyenne, Arapaho and Crow culture.
[223] Wendy Teeter, Personal Communication, 2019.
[224] Ibid.
[225] Ibid.
[226] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.

was decided the mandible belonged to a Wiyot ancestor who was likely collected from Indian Island (hereafter Tuluwat Village) in Eureka Bay.[227] Both Siedner and Gates told Dr. Wilson that remains had been collected from Indian Island in the early 20th century.[228] Siedner explained that Tuluwat Village is a sacred place to Wiyot people and the site was the place of a renewal ceremony and massacre in 1860.[229] An assumption was made between the heavy looting after the massacre and the trading of the remain to a zoologist in the early 1900s to fill for what little was known at the time. According to UCOP's NAGPRA policy, "cultural affiliation refers to relationship of shared group identity that can be reasonably traced historically or prehistorically between a present-day Native Hawaiian organization or federally-recognized Indian tribe and an identifiable earlier group".[230] Using evidence from historical documents about the massacre, archaeological reports supporting the longevity of Wiyot presence in the era, ethnographies and Wiyot oral histories, the ancestor was culturally affiliated with the Wiyot tribes and rancherias by UCLA.

In May 2002, the UCLA NAGPRA Coordinating Committee presented the Wiyot Inventory to the UCOP Advisory Committee on Repatriation.[231] The Advisory Committee declined to recommend affiliation with the Wiyot Tribe, stating insufficient evidence that the ancestor was Native American or that is was of recent age.[232] Disregarding UCLA's evidence, the Advisory Group recommended the ancestor be listed as culturally unidentifiable and UCLA was forced to revise its Inventory. After consulting with Wiyot, Yurok, Karuk and Tolowa tribes

[227] Ibid.
[228] Ibid.
[229] Ibid.
[230] University of California Policy, Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items, 2012. https://policy.ucop.edu/doc/2500489/HumanCulturalRemains
[231] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004..
[232] Ibid.

UCLA asked the UC NAGPRA Advisory Committee for the appropriate disposition of this culturally unidentifiable ancestor. A majority of the UC Committee again rejected UCLA and the Tribes' request and suggested UCLA await the upcoming publication of final NAGPRA regulations for the disposition of culturally unidentifiable remains.[233] UCLA faculty and staff were disappointed in UCOP's response, and had no other choice than to wait for the new NAGPRA regulations.

UCLA believed the decision to not repatriate the Wiyot ancestor as culturally identifiable was "clearly a determination of policy rather than a particular commentary on the Eureka mandible."[234] Under "Reasons for Repatriating the Eureka Mandible as a Culturally Unidentifiable Remain" in UCLA's Wiyot repatriation report is an excerpt from the official UC Repatriation Policy which states:

> Campuses are encouraged to solicit input on *significant policy matters*, as appropriate, from members of Native American and Native Hawaiian groups and from additional University faculty members drawn from a variety of disciplines in which the study, treatment, curation, and repatriation of human remains is relevant. Campuses are encouraged to forward input received from such consultations to the Office of the President via their Advisory Group representative (emphasis added).[235]

UCLA recognizes their faculty in American Indian studies, anthropology, public health and other humanities, social sciences and health science fields have a huge interest in the University's policies in repatriation because they affect the ability of researchers to work with communities they study. UCLA always emphasized that UCOP understand the ethics and social context of the Wiyot case citing the brutality outlined above. It was during this time that UCOP

[233]Ibid.
[234] Ibid.
[235] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.

could have sided with UCLA and the Wiyot, but chose not to. Claiming "insufficient evidence" for cultural affiliation of the mandible, UCOP ignored all supporting evidence and reinforced colonial attitudes.

Another setback to the Wiyot repatriation request came in August 2003, when UC Davis professor and one of the plaintiffs in White v. University of California (the Kumeyaay & UCSD case mention in the previous section), Dr. Robert Bettinger of UC Davis stated that Loye Miller had never been to northern California, did not collect the mandible and that W.H.M.M was an abbreviation for the Wellcome Historical Medical Museum. in London England[236] This development led Dr. Wilson to determine that "the mandible labeled "W.H.M.M #313 Eureka, Ca" almost certainly came to UCLA via the Wellcome Historical Medical Museum in London, and that it is very unlikely it was collected in Eureka by Loye Miller."[237] While researching the Wellcome archives, UCLA staff found no documentation directly linking the Wiyot ancestor and its excavation or collection.[238] Yet, it is known that the Wellcome Museum did purchase from collectors from in the Eureka area.[239] In a revised report for the April 2004 UCOP meeting, UCLA suggested that the probable source of the Wiyot ancestor was Eureka dentist H.H Stuart, who "systematically desecrated" over 300 Native American graves on Tuluwat Island.[240]

## UC Collecting in Eureka Bay

A few years following the cremation and/or burying of the massacre victims, the excavation of human remains from Indian Island began. In 1913, L.L Loud bought the island

[236] Ibid.
[237] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.
[238] Ibid
[239] Ibid.
[240] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.

began to excavate and remove 22 burials from Tuluwat Village.[241] In 1918, H.H Stuart, a Eureka dentist, unearthed over 300 graves and removed human remains and burial goods.[242] Sometime after these excavations, in 1948, UC Berkeley archaeology professor Dr. Robert Heizer stated he had "found and given away, traded or sold" artifacts from the Indian Island site.[243] It is during this time that it is assumed, the female Wiyot's mandible was traded or sold to the Wellcome Historical Medical Museum in London, England.

In a new 2004 report, Bob Bettinger stated he had once seen human remains marked "W.H.M.M" on loan from the British Natural History Museum (BNHM) and therefore contacted the museum to inquire about their collecting.[244] He learned that paleo-pathologist Roy Moodie collected large amounts of human remains for the Wellcome, sending 11 human remains from the Eureka region to London, and at least one was sent to Moodie by Stuart. [245] After extensive research (including the Moodie archives), by Dr. Wilson, it was decided that "Stuart as source of *all* of the Eureka human remains is strongly suggested by examining Moodie's original cataloging of the human remains, shown in Appendix C, page 23."[246] Citing this research, UCLA emphatically believed this ancestor was received from Moodie and removed from Humboldt County. However, this information did not fundamentally change the relationship of the remain to the Wiyot. It was not until 2010 that the Culturally Unidentifiable Remains regulation were published in the Federal Register. UCLA immediately filed with the UC NAGPRA Committee to

[241] Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.
[242] Ibid.
[243] Ibid.
[244] Ibid.
[245] Ibid.
[246] Inventory of Native American Remains, Proposed repatriation of the mandible from Eureka, California. University of California, Los Angeles, UCLA NAGPRA Coordinating Committee Report, 2004.

have the remains repatriated. In 2011, the Wiyot ancestor was finally repatriated to the Wiyot Tribe. An excerpt from the 2004 UCLA Repatriation Report sums up the sentiment of this case:

> If we had known sooner about the connection between the British Natural History Museum, and its loan of Wellcome collection human remains to Larry Wilcoxon, graduate student at UC Santa Barbara, a clue that was provided by Phil Walker, UC Santa Barbara to Bob Bettinger at UC Davis in August 2003, this case could have been resolved much sooner. Nevertheless, after considerable time and expense, we know much more about how the mandible came to UCLA, and we have come back to the substance of our 1995 consultation in which Sheryl Sieder stated that someone ("someone" whom, on Diana Wilson's unintentionally leading suggestion, she mistakenly identified as Loye Miller), in the early 20th century took bones of Native people from Indian (Gunther) Island [Tuluwat Island], a sacred place and site of the tragic 1860 massacre of the Wiyot people.[247]

This case showcases the extensive collaborative research that UCLA conducted with tribal members, archaeologists and other UC faculty. On March 14, 2012, the UCLA American Indian Studies Center and Tribal Learning Community & Educational Exchange (TLCEE) sponsored an event to celebrate the Wiyot repatriation. Wiyot tribal members, including former Wiyot Tribal Chairwoman, Cheryl Seidner, UCLA faculty and students came together to reflect on this momentous occasion. At the event Dr. Wendy Teeter shared her elation with the Daily Bruin, but stated "There were so many roadblocks, which is just so harmful from a human rights point of view. When these tribes are not acknowledged, there is a disrespect there."[248] It was important for UCLA to arrange this event because it acknowledge the issues that hinder repatriation. UCLA could have repatriated the ancestor and not held an event inviting the Wiyot Tribe to campus. By inviting the Wiyot to UCLA, it proves their goals go beyond NAGPRA legislation, they center on creating healthy relationships with tribal communities.

[247] Ibid.
[248] Ariana Ricarte, "Ancestral remains of an American Indian woman return to Wiyot Tribe in California", UCLA Daily Bruin. 28 October 2012.

## UCLA Today

UCLA has come a long way since their first repatriation in 1997 to Hui Mālama I NāKūpuna 'O Hawai'I Nei[249]. Since then, UCLA has repatriated or transferred control of ancestors to tribes such as the Gabrielino Band of Mission Indians (Tongva), Fernandeño Tataviam Band of Mission Indians, Pechanga Band of Luiseno Mission Indians, the Juaneño Band of Mission Indians Acjachemen Nation, San Manuel Band of Mission Indians, Santa Ynez Band of Chumash Indians, Agua Caliente Band of Cahuilla Indians, Hopi Tribe of Arizona and Zuni Tribe to name a few.[250] Although the Fowler works with tribes across the nation, their priority of repatriation and collaboration is to the Tongva, and also to California tribes. Fowler staff have worked with and repatriated ancestors and funerary objects to more than 43 tribes in California.[251] The Fowler exemplifies how museums should work with indigenous peoples. Curator of Archaeology, Wendy Teeter believes museums who are stewards of indigenous cultural heritage should always employ ethical engagement with those communities. Ethical engagement includes creating meaningful relationships with community members, not rushing deadlines or goals and not viewing people as research specimens only to be used for data extraction. Teeter acknowledges the settler colonial history of anthropology and museums but believes that now is the time to act right and "do what is right". Under her watch the Fowler has grown to repatriate more Native American ancestors than any other UC. As curator, she has created a culture of kindness and respect that extends from her staff to every community and tribal member they work with.

[249] Carrying Our Ancestors Home event at UCLA Fowler Museum. May 1, 2019.
[250] Ibid.
[251] Carrying our Ancestors Home, Timeline. Website. 2019.

Presently, there are only 59 ancestors waiting to go home.[252] Only two individuals remain as culturally unidentified, waiting for tribal decisions.[253] In addition to being a repository for archaeology collections from California, the American Southwest, Mexico, and Sudan, the Fowler Museum Archaeology Curation Facility also houses collections from state and federal agencies. Additionally, Fowler Archaeology works with these agencies to return collections under their control that are housed at the museum. These agencies include the Bureau of Land Management, Department of Navy, National Park Service, US Army Corps of Engineers, Bureau of Reclamation, California Department of Parks and Recreation, California Department of Water Resources and California Department of Transportation.[254]

The Fowler Museum continues to actively work with California Indian tribes and descendant communities. Tribal members regularly visit the Museum to provide guidance and support for the care of their material culture. An example of the Fowler's collaboration with Native tribes is the Pechanga Band of Luiseno Indians Museum Studies Program that started in 2002. Interns from the Pechanga Tribe and UCLA students were trained in museum curation and collections management at UCLA for a quarter and then worked for Pechanga Cultural Resources for the summer applying what they learned.[255] Although this program was short lived, it highlights UCLA's collaboration efforts with California Indian tribes. Another example of collaboration with Native nations is Dr. Teeter's involvement with the founding of UCLA's TLCEE. TLCEE is a unique legal and general education program based from the UCLA School of Law. TLCEE merges Native peoples' knowledge, perspective and visions of futurities with academia. The program works with Native communities across California and focuses on

[252] Carrying our Ancestors Home, Timeline. Website. 2019.
[253] Ibid.
[254] Ibid.
[255] Carrying our Ancestors Home, Timeline. Website. 2019.

enhancing Native governance and cultural resource protection.[256] It was through the TLCEE program that I was able to intern at Fernandeño Tataviam Band of Mission Indians' tribal administration office as an undergraduate student at UCLA. Here I learned how the Tataviam assert their sovereignty daily within the city of Los Angeles as a non-federally recognized tribe. Working in the Tribal Historic and Cultural Preservation Department, I assisted the Tribal Historic Preservation Officer research potential development areas for culturally sensitive archaeological sites, per AB 52. This opportunity gave me the experience I needed to confirm my career choice in cultural resource preservation. I treasure the business relationships and personal friendships that I gained from my time interning with the Tribe.

The Fowler Archeology Collection Facility executes compliance with NAGPRA guidelines and has been officially recognized twice by the State of California for exemplary efforts for NAGPRA compliance.[257] Being the institution that is often recognized as the most progressive with NAGPRA and Native American collaboration, it is no surprise that after the passing of California AB 2836, two UCLA scholars, Randall Akee and Wendy Teeter were appointed to the UC President's Native American Advisory Council.[258] The Native American Advisory Council was created by UC President Janet Napolitano to advise her and the Executive Provost Michael Brown on a broad range of issues effecting Native Americans and how the UC can improve. The Council is composed of Native American educators, scholars, tribal leaders, policy makers, and UC faculty and staff who can speak on issues affecting the Native community like retention of Native students, outreach and recruitment of Native students and amending IRB

[256] UCLA School of Law. Native Nations Law & Policy Center. Website. 2019.
[257] Archaeology- Fowler Museum at UCLA website.
[258] Carrying our Ancestors Home, Timeline. Website. 2019.

(the Institutional Review Board) guidelines for research that impacts indigenous communities around the world.[259]

This council is important because it is the first time that the UC recognized the Native American community in this way. This council was created for Native Americans and their requests and goes beyond NAGPRA. Too often, NAGPRA is seen as the main issue with the Native community, which it is not. NAGPRA is important, but there are other issues that affect Native students, faculty and communities. Wendy Teeter is excited for this council because Tribes can bring Native concerns directly to the President and help shape the response. She hopes to see this council create policies and implement change that create a more ethically responsible UC, goals every university should have.

Things are looking bright for the UC and their relationship with the Native American community. After 18 years with the same policy, the Presidential Policy on Native American Cultural Affiliation and Repatriation is being revised with heavy input with Tribes. The policy, the existing Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items addresses the treatment and repatriation of Native American and Native Hawaiian human remains under UC control and the UC's compliance with national NAGPRA.[260] The policy revision is being developed by the newly created Cultural Affiliation and Repatriation Policy Subcommittee including UCLA Distinguished Research Professor, Carole Goldberg, Tongva archaeologist Desiree Martinez, UCLA Professor of Law Angela Riley and Pechanga Band of Luiseno Indians Tribal Chair Mark Macarro, to name a few.[261]

[259] Wendy Teeter, personal communication. April 12, 2019.
[260] Policy Coordination Office, "Systemwide review of revised Presidential Policy on Native American Cultural Affiliation and Repatriation" University of California, Santa Cruz Newscenter. August 2019.
[261] Wendy Teeter, personal communication. April 2019.

The policy is significantly different from the outdated version created in 1991. Some of the important updates include: the policy creates a list of principles that emphasize the repatriation of Native American and Native Hawaiian human remains as a fundamental objective and value of the UC, it reconstitutes the systemwide committee and campus committees to strengthen Native American representation, requires campuses to appoint a NAGPRA liaison to work with and assist tribes to facilitate repatriation, it describes a process for disposition of culturally unidentifiable human remains, it establishes as policy the respectful stewardship of human remains and cultural items when in the UC's care, provides a stronger mechanism for tribes to appeal campus determinations and finally, shifts final approvals of repatriation to the campus from the UC Office of the President to reduce delays in repatriation.[262]

## Conclusion

As UCLA students we are constantly inundated with rankings that confirm our status as the #1 public university, medical school, school of education, or even sports. I chose this project because I wanted research case studies of repatriation at UCLA, which is regarded as the #1 UC in repatriation. During my research I reviewed file after file of completed UCLA NAGPRA repatriations, representing tribes across the U.S. I had a difficult time deciding what NAGPRA cases to examine but I chose the Santa Ynez Chumash grant and Wiyot Tribe repatriation because they both exemplify UCLA's dedication to collaborating with tribes for the tribe's goal. During the beginning of the 1990's UCLA was home to outspoken students and faculty who rejected repatriation, asserting academic freedom. This opinion could have spread throughout the

[262] Policy Coordination Office, "Systemwide review of revised Presidential Policy on Native American Cultural Affiliation and Repatriation" University of California, Santa Cruz Newscenter. August 2019.

campus obstructing repatriations, but UCLA proved to have students, faculty and staff who overwhelming supported human rights, social justice initiatives, and NAGPRA.

Despite the bureaucratic red tape facing those complying with NAGPRA, UCLA has overcome these obstacles and:

- Repatriated 2,063 ancestors to their communities
- Repatriated ancestors and funerary objects to over 43 tribes in California
- Repatriated ancestors to non-federally recognized tribes in California
- Worked with the Santa Ynez Band of Chumash Indians to develop a NAGPRA grant program that prioritized the Tribe's interest before the university's
- After a ten-year battle finally repatriated a Wiyot as culturally unidentifiable
- Is home to faculty and staff who are at the forefront of complying with UC NAGPRA policy including Wendy Teeter, Randall Akee, Carole Goldberg, Greg Schachner and Angela Riley.

Throughout this thesis I illustrated how California Indians have *always* resisted the theft and study of their ancestors. I began this thesis with the background of anthropology, museums and the scientific study of Native bodies. In 1906, the same year President Theodore Roosevelt signed the Antiquities Act into law, the Yokayo Pomo organized a plan that legally required UC Berkeley, UC President Wheeler and Professor Alfred Kroeber to return Yokayo ancestors that had been excavated during a UC Berkeley expedition. Nearly a century later, the Kumeyaay faced the same issue with UC San Diego and two of their ancestors. From the excavation of their ancestors in 1970 to the reburial in 2016, the Kumeyaay never stopped fighting for the simple

right to rebury their ancestors. These two cases are important because they show Native perseverance, determination and success.

Although NAGPRA is challenging and every case is different, UCLA is home to faculty and staff who always have the intent to repatriate. Since the passage of NAGPRA in 1990, UCLA has been committed to repatriating to California Indian tribes, federally recognized or not. There may be outside forces like lack of funding or the interpretation of UCOP that momentary impede a repatriation, but these obstacles (as the Fowler has shown) are only temporary.

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